



# Journal of the Senate

Number 21

Wednesday, May 22, 1985

## Prayer

The following prayer was offered by Father Gerald Finnegan, Church of the Incarnation, Sarasota:

God, our Father, we thank you for many gifts and blessings you have given to us. We thank you especially for the gift of life and the gift of love. We thank you for this great country in which we live and also for inviting everyone of us to make this place a better place in which we live.

We ask your special blessing upon all the senators, all their co-workers, that they would indeed have grateful hearts and thankful hearts for the trust that has been placed in them, not only by you, but also by the people whom they represent. We ask that ever so often they will reflect with grateful hearts and humility on that trust that has been placed in them.

At times, no doubt, it is pretty difficult, especially when they are away from home, and especially get tied down in such a long session and become weary. May they always recognize that they are indeed trying to make our world a better place and be co-creators or re-creators with you of our world. And we ask your special blessing upon all of them. We pray, may the Lord always bless you and keep you; may his face always shine upon you; may you know his compassion and mercy; may the Lord walk beside you forever; may the Lord look upon you with kindness; may the Lord fill your hearts with his peace; may his love be forever within you; may the Lord always bless you and keep you.

Ever so often, Lord, they will have mighty hot discussions, but may they always remember that they are, indeed, working as a unit for a better country in which we live. And so finally, Lord, may they always have that deep respect and love for each other. May the roof of this building never fall in, but especially may those under it never fall out. Amen.

The Senate pledged allegiance to the flag of the United States of America.

## Call to Order

The Senate was called to order by the President at 9:00 a.m. A quorum present—37:

Mr. President	Frank	Kirkpatrick	Plummer
Barron	Girardeau	Kiser	Scott
Beard	Gordon	Langley	Stuart
Carlucci	Grant	Malchon	Thomas
Childers, D.	Grizzle	Mann	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Crawford	Hill	Meek	Weinstein
Deratany	Jenne	Myers	
Dunn	Jennings	Neal	
Fox	Johnson	Peterson	

Excused: Senator Neal after 11:00 a.m. to attend to matters relating to the Appropriations Conference Committee and at 3:00 p.m. for the purpose of attending a meeting relating to transportation issues; Senator McPherson for the morning session because of illness

On motion by Senator W. D. Childers, the following remarks by former Senator William Dean Barrow at the Senate reunion May 8 were published in the journal:

**Senator Barrow:** Governor Johnston, distinguished active and former Senators, lovely ladies, wonderful friends of Florida. It almost sounds like I am running again, doesn't it?

"When you're lost in the wild and you're scared as a child  
And death looks you bang in the eye  
And you're sore as a boil according to Hoyle,  
Cock your revolver and die,

But the code of the man says you must fight all you can  
As self-disillusion is barred;  
And hunger and woe is dead easy to blow,  
It's the hell served for breakfast that's hard.  
It's easy to cry that you're beaten and dying,  
It's easy to crawfish and crawl,  
But to fight and to fight when hope's out of sight,  
Well, that's the best fight of them all.  
And though you come out of each gruelling bout  
All beaten and broken and scarred; hell, have one more try.  
It's dead easy to die, it's the keeping on living that's hard."

Now I'd like to tell you as the poet of the Florida Senate for the years I was there, I wrote this for you to dedicate to the active members of the senate because I know there are some mornings when you get up, and there are some nights when you go to bed, that's the way you feel because we were here and shared with you those wonderful experiences. But that's from Robert Service, the Poet of the Yukon, who captured the spirit and the imagination of the goldminers during the last great gold rush on this continent in 1897-1898. I share it with you today because I think it's appropriate as we go into this reminiscing business, as Mr. President said, it is fraught with danger. With fellows like Barron, Dick Fincher and Warren Henderson, anything is fraught with danger.

I will never forget the first time they put me on this podium, Mr. President. Dempsey and Lawton Chiles and a few others—Truett Ott—saw that I was green. I came over here from Crestview and I thought we served sixty days every two years and ran one time and got it for four. That's just not the way it happened. You ran every month to hold it for six months, like Hal Davis, and you spent all your money, your time and your life to get one two-year session. When you did, you stayed for a year and half. Reubin remembers that very well—the Senator from the 1st. Reubin and I sat next to each other when I was in the Florida Senate and I reminisce with you now to tell you that the only bill I passed was for my daddy and me. It was a bill to open the bars on election day. At that particular time, it wasn't like it is now. You fellows who are active senators have far transgressed this business of the Yellow River Code which I'll get to briefly in just a moment. You only vote for those things that are right and good and wonderful for everybody.

When I was in the Florida Senate, and when my daddy was in the House in '31, when Randolph, Dewey and Nick were around, we voted for what was good for us and our friends and to hell with our enemies. Ain't that right, Dewey? Harry, you might take a page of that book—you and Bill and the rest of you who are going to be running this summer. Some of us are left who still believe in that philosophy—maybe more than you think. They put me up on this podium. Ole Lawton, Dempsey, Mallory and others put them up to it. Verle handed me that gavel and everybody got up holding their hands wanting to speak. Mr. President, I was not a parliamentarian. We still wore guns on sidearms over there at home and that's the way you held the crowd. I didn't know what else to do, so having studied literature under my mother, God bless her, who is a great English major, I calmly banged the gavel on this stone and said, "Heavy hangs the head that wears a crown, the Senate of Florida is adjourned." There were two people they didn't want to mess with—the Lone Ranger and "Wig" Barrow. Needless to say, reminiscently, that was my last trip to the podium.

Verle seemed to think there was a lot of business to be done. Everybody else still thinks there's a lot of business to be done. That doesn't seem to change. The Yellow River Code became known to you people when I came to the Florida Senate. The Yellow River Code is the unwritten moral law of the people of Northwest Florida who live on the banks of the Yellow River which heads up in Alabama. It's a beautiful virginal stream that flows into Blackwater Bay and then into the Gulf of Mexico. I understand it was distinguished in conversation yesterday on this floor by this distinguished body and I appreciate it, and I hope you didn't hurt

the river any. Dempsey and I, when we were running, called the people "the soil". The truth of it, it's us rednecked dirt farmers over there who have the code. It's a lot less confining and easier to live with than your Florida Statutes and the other codes by which you live, but there are some precepts and tenets that last forever and are perpetuated under the Yellow River Code. Eyeball to eyeball is the best way. Don't use the telephone, Harry, when you go to get the big money, see them in person. You tell it like it is. Your word is your bond. I always admired Dick Fincher sitting back there when he was in a nine-member Dade delegation and eight of them read the paper to see how to vote. Dick couldn't read or else he was studying the racing form and he voted like he wanted to. That's the Yellow River Code. We tell it like it is.

Harry, I never will forget when we came back from the University of Florida. There were two former members of the legislature, Senator Ferrin Campbell and House member Charlie Stewart. They had a hotly contested election and sides chose up vigorously. There was the Barrow-Stewart faction and there was the Campbell-Inzor faction and Charlie Stewart won it by two votes. Ferrin didn't contest the election. I had just been elected County Attorney over there and was against Ferrin's cousin, Clyde Campbell, whom I defeated for that election. We were in court that day before Judge Wilbur Osborne. We tried the case all day long and the jury went out at 3 o'clock and at 5 o'clock the judge called us back in and the jury had been given the dynamite charge to convince them, that as reasonable men, they ought to agree if they could agree. All you judges know what that said. I can't remember. They had been out for two hours and Judge Osborne asked them that first question: "Gentlemen of the jury, have you arrived at a verdict?" Frank Bishop, my fishing buddy, said, "Judge, we ain't even elected a foreman yet." They had split—two to two.

I cannot finish my reminiscing with you about this senate unless I tell you about the senator who made the greatest impression on my life and he's right over there on the wall—the white-maned Lion of St. Johns, Verle Pope. I came here when Verle was president and through Dempsey, I got to meet Verle and because of the trick that we'll talk about later sometimes that Dempsey played on me, Verle Pope gave me a committee chairmanship as a freshman senator and appointed me as his official boat handler during my tour in the Florida Senate. It was a tremendously great experience for me and I'd like to pay a brief tribute to him now in closing. Before I do that, I know that Reubin remembers very well, when Claude Kirk was our first Republican Governor in one hundred years. The national media came to Verle in the President's office, to get his quote about what he thought about Claude running for President, and Verle calmly said without batting an eye, "Florida's gain would be the nation's loss". Somehow after that, Claude and Verle didn't get along very well. In his memory and thanking each of you for the privilege of this reunion and taking of our most precious commodity—our time—to share and realizing that the true sense of value is not in the legislation we pass or the laws we make and realizing also, that it's not the money and it ain't the power, I'd like to dedicate this little poem I wrote back in '81 in the memory of all former senators who distinguished this chamber with their time and their sacrifice and their lives. I call it "Life".

I've stormed most every horizon,  
I've been part of the legions of lost,  
I've been free and I've had some of prisons,  
But I never counted the cost.  
With God's help, I made it to tell you,  
All of you, it ain't the money,  
It ain't the power and it ain't the pride;  
It's the living, the loving and it's the forgiving  
And it's having all of you by my side."

Thank you.

On motion by Senator Stuart, the rules were waived and by two-thirds vote SR 1237 was withdrawn from the Committee on Rules and Calendar.

## CONSIDERATION OF RESOLUTIONS

On motion by Senator Stuart—

**SR 1237**—A resolution commending the Florida Association of REALTORS and its president, Mr. Robert H. Elrod.

WHEREAS, Florida's burgeoning population relies heavily upon the professional services and expertise of the 72,000 members of the Florida Association of REALTORS for real estate purchase, sale, and investment services, and

WHEREAS, the Florida Association of REALTORS is a strong proponent of the free enterprise system and an advocate of the need to preserve private property rights, and

WHEREAS, Mr. Robert H. Elrod, President of the Florida Association of REALTORS, who resides in Windermere and has been in the real estate business in Florida since 1971, served the Orlando Area Board of REALTORS as its president in 1978 and has twice been named its REALTOR of the Year, first in 1979 and again in 1981, and

WHEREAS, Mr. Elrod has been active in committee work of the Florida Association of REALTORS since 1973, including serving as a trustee of the Florida REALTORS Political Action Committee, and as chairman of the state association's legislative committee in 1979 and 1980, and

WHEREAS, Mr. Elrod has also served on numerous committees of the National Association of REALTORS, including the 1985 chairmanship of the legislative committee's subcommittee on energy, environment, and development, and

WHEREAS, since coming to Florida in 1960, Robert H. Elrod has twice been elected to both the Florida Senate and the Florida House of Representatives, has sought nomination to the United States House of Representatives in 1968, and was a candidate for Lieutenant Governor in Florida in 1970, and

WHEREAS, Mr. Elrod has contributed both time and effort to his home community as president of the West Orange Chamber of Commerce in 1979, member of the Citizens Advisory Committee for Growth Management from 1978 through 1983, and member of the Industrial Development Committee of Mid-Florida since 1979, and

WHEREAS, Mr. Elrod was a member of Senator Lawton Chiles' ad hoc committee on housing in 1979, served as a director of the Orlando Area Chamber of Commerce in 1982, and was a member of the Citizens Advisory Committee on Water Management Study for Southwest Orange County the following year, and

WHEREAS, Mr. Elrod, as 1985 president of the Florida Association of REALTORS, exemplifies the highest standards of dedication and professionalism which have made this state association so valuable to our state and its citizens, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Senate hereby commends the Florida Association of REALTORS and its president, Robert H. Elrod, for services performed on behalf of the citizens of the State of Florida, and

BE IT FURTHER RESOLVED, that copies of this resolution be presented to the Florida Association of REALTORS and Robert H. Elrod as tangible tokens of the sentiments and gratitude expressed herein.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

On motion by Senator Girardeau, the rules were waived and by two-thirds vote SR 958 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Girardeau—

**SR 958**—A resolution honoring and commending Delores Capers for her remarkable achievements as Director of the Food Bank of Jacksonville from 1979 to 1984.

WHEREAS, after five years of dedicated and outstanding service to Northeast Florida as Director of the Food Bank of Jacksonville, Delores Capers has retired, and

WHEREAS, Delores Capers, who holds a bachelors degree in social work from Temple University in Philadelphia, Pennsylvania, where she was graduated with honors in 1978, has been Director of the Food Bank of Jacksonville since it was created in 1979 to fill the gap of providing food services to the poor and unemployed who could not be helped by other social service agencies, and

WHEREAS, Delores Capers established the Food Bank of Jacksonville, which serves Baker, Clay, Duval, Nassau, Putnam, and St. Johns Counties, also known as Florida's First Coast, whereby more than 150 nonprofit agencies in these counties could receive adequate food supplies to feed infants, the ill, and the elderly in their respective counties, and

WHEREAS, under her direction, the Food Bank of Jacksonville grew from a one-office, one-staff agency with a \$25,000 annual budget to two offices, seven staff members, and a \$150,000 budget, and

WHEREAS, Delores Capers provided volunteer opportunities to youth, the elderly, retirees, the handicapped, probationers, and students to productively assist in collecting, sorting, and distributing food and nonfood products, and

WHEREAS, through her dedicated and unselfish efforts, Delores Capers solicited and received support from many sources including the United Way, churches, individuals, foundations, and federal, state, and local governmental agencies, and

WHEREAS, Delores Capers worked tirelessly and successfully lobbied for the enactment by the Legislature of section 768.136, Florida Statutes, the Good Faith Donor Bill, also known as the "Good Samaritan Bill," effective October 1, 1981, which provides protection from liability for donors and gleaners of canned or perishable food products and has resulted in increased donations of food products from donors across the state, and

WHEREAS, as Director of the Food Bank of Jacksonville, Delores Capers was responsible for working with grocery store chains, manufacturers, agencies, and organizations to get food for the poor, as well as to effectively distribute this food, and federal food commodities, to the poor people in Northeast Florida, and

WHEREAS, Delores Capers worked many 60-hour weeks to help feed thousands of poor people who had no other place to look for this basic necessity of life, and

WHEREAS, in addition to training scores of people to carry on after her, Delores Capers provided technical assistance and guidance for the establishment of food bank programs in Baker, Nassau, and St. Johns Counties and helped launch programs in Tampa, Orlando, and other cities in the state, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate honors and commends Delores Capers for her remarkable achievements as Director of the Food Bank of Jacksonville (Lutheran Social Service) from 1979-1984 and recognizes her organizational ability and dedication to improving her own community and other areas of the state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be transmitted to Delores Capers, as a tangible token of the sentiments expressed herein and a lasting symbol of the respect of the members of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

On motion by Senator Beard, the rules were waived and by two-thirds vote HCR 1237 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Beard—

**HCR 1237**—A concurrent resolution honoring James L. Redman, E. L. Bing, Matt Jetton, and John Paulk for their untiring and selfless efforts in helping restore esteem to and respect for the government of Hillsborough County.

—was taken up out of order by unanimous consent, read the second time in full, unanimously adopted and certified to the House.

Senator Jenne moved that the rules be waived and the Senate meet May 23 from 9:00 a.m. until 12:00 noon and from 2:00 p.m. until 5:00 p.m. The motion was adopted.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 22, 1985: SB 496, SB 675, SB 299, SB 631, SB 832, CS for SB 133, CS for SB 1152, SB 1033, CS for SB 713, CS for SB 846, SB 721, CS for SB's 659 and 720, SB 914, SB 915, SB 916, SB 917, SB 918, SB 919, SB 920, SB 921, SB 950, SB 955, CS for SB 8, CS for SJR's 242 and 42, CS for CS for SB 241, SB 458, SB 1140, SB 96, CS for SB 37, CS for SB 303, CS for SB 1258, HB 414, SB 468, SB 484, SB 488, CS for SB 512, SB 463, SB 239, SB 58, CS for SB 562, SJR 556, SB 567, SB 780, SB 336, SB 758, CS for SB 331, SB 502, CS for SB's 1238 and 1036, CS for SB 732, SB 779, SB 682

Respectfully submitted,  
Kenneth C. Jenne, Chairman

The Committee on Commerce recommends the following pass: SB 248 with 1 amendment, SB 948, CS for SB 1150 with 2 amendments

The Committee on Corrections, Probation and Parole recommends the following pass: SB 940

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 306 with 4 amendments

The Committee on Education recommends the following pass: SB 28 with 2 amendments, SB 298, SB 620, SB 1161, SB 1102, SB 1114 with 2 amendments

The Committee on Finance, Taxation and Claims recommends the following pass: CS for SB 768 with 1 amendment, SB 937, SB 1168, CS for SB 1171, SB 1276 with 4 amendments, SB 521

The Committee on Health and Rehabilitative Services recommends the following pass: SB 24 with 2 amendments, SB 269, SB 509, SB 899

The Committee on Judiciary-Civil recommends the following pass: CS for SB 831 with 3 amendments

The Committee on Judiciary-Criminal recommends the following pass: CS for SB 1073

The Committee on Rules and Calendar recommends the following pass: CS for SB 1211, SB 31

The Committee on Transportation recommends the following pass: SB 374 with 2 amendments

**The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.**

The Committee on Economic, Community and Consumer Affairs recommends the following pass: CS for SB's 1200 and 697 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 887

**The bills contained in the foregoing reports were referred to the Committee on Commerce under the original reference.**

The Committee on Natural Resources and Conservation recommends the following pass: SB 1187

**The bill was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.**

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 1296 with 7 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 163

**The bills contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.**

The Committee on Judiciary-Criminal recommends the following pass: CS for HB 278 with 3 amendments

**The bill was referred to the Committee on Governmental Operations under the original reference.**

The Committee on Education recommends the following pass: SB 404, SB 1240

**The bills were referred to the Committee on Judiciary-Civil under the original reference.**

The Committee on Judiciary-Civil recommends the following pass: SB 890 with 2 amendments

**The bill was referred to the Committee on Judiciary-Criminal under the original reference.**

The Committee on Finance, Taxation and Claims recommends the following pass: SB 1239 with 2 amendments

**The bill was referred to the Committee on Natural Resources and Conservation under the original reference.**

The Committee on Education recommends the following pass: HB 286 with 29 amendments

**The bill was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.**

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 664 with 2 amendments, SB 1306 with 8 amendments

The Committee on Education recommends the following pass: SB 922 with 4 amendments

The Committee on Finance, Taxation and Claims recommends the following pass: SJR 824, SJR 971

The Committee on Judiciary-Civil recommends the following pass: SJR 1199, CS for HB 132 with 1 amendment, HB 389

The Committee on Judiciary-Criminal recommends the following pass: CS for SB 977

**The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.**

The Committee on Agriculture recommends the following pass: HB 1206

The Committee on Appropriations recommends the following pass: CS for SB 55 with 3 amendments, CS for SB 92, SB 134, CS for SB 206 with 3 amendments, CS for SB 307 with 1 amendment, SB 309 with 2 amendments, CS for SB 498 with 1 amendment, SB 583 with 1 amendment, CS for SB 608 with 2 amendments, CS for SB 612, CS for SB 616, SB 652, CS for SB 660, CS for SB 706, CS for SB 761, SB 871, SB 1021, SB 1227, CS for SB 91, SB 106, SB 136, CS for SB 138, CS for SB 323, CS for SB 381, SB 674, CS for SB 865, SB 913, SB 989, SB 1083, CS for SB 1094, CS for SB 1147, SB 1216, CS for SB 1273 with 2 amendments

The Committee on Commerce recommends the following pass: SB 71, SB 727 with 1 amendment, SB 1180 with 2 amendments, HB 17 with 6 amendments, HB 210

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 371 with 1 amendment, HB 571 with 4 amendments

The Committee on Education recommends the following pass: SB 1189 with 1 amendment, SB 1271 with 2 amendments

The Committee on Finance, Taxation and Claims recommends the following pass: SB 907 with 1 amendment, SB 1126 with 1 amendment, SB 1132, SB 1188, SB 279, SB 711, SB 796, CS for SB 909, SB 1249, HB 40, HB 45, HB 182, HB 222, HB 220, HB 288

The Committee on Health and Rehabilitative Services recommends the following pass: SB 967

The Committee on Judiciary-Civil recommends the following pass: SB 1226, CS for HB's 227 and 239 with 2 amendments, CS for HB's 541 and 866, HB 553, HB 607, HB 844 with 1 amendment, HB 1176 with 2 amendments, HB 1243 with 3 amendments, HB 1098 with 2 amendments

The Committee on Judiciary-Criminal recommends the following pass: SB 1291 with 5 amendments, HB 542 with 5 amendments

The Committee on Rules and Calendar recommends the following pass: CS for SB 467 with 4 amendments, SB 914, SB 915, SB 916, SB 917, SB 918, SB 919, SB 920 with 3 amendments, SB 921, SB 950 with 2 amendments, SB 955, CS for SJR's 242 and 42, SB 368, SJR 556, SB 567, SM 1197

The Committee on Transportation recommends the following pass: CS for SB 663 with 4 amendments, SB 1250 with 3 amendments

**The bills contained in the foregoing reports were placed on the calendar.**

The Committee on Appropriations recommends the following not pass: SB 550

The Committee on Health and Rehabilitative Services recommends the following not pass: SB 1220

**The bills contained in the foregoing reports were laid on the table.**

The Special Master on Claims recommends the following not pass: SB 252

**The bill was referred to the Committee on Finance, Taxation and Claims under the original reference, pursuant to Rule 4.8.**

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 363

**The bill with committee substitute attached was referred to the Committee on Agriculture under the original reference.**

The Committee on Commerce recommends committee substitutes for the following: SB 933, SB 1137, SB 573

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: Senate Bills 1146 and 957

The Committee on Education recommends committee substitutes for the following: SB 80, CS for SB 81, SB 492, SB 826, SB 203, SB 1244

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 218

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: SB 588, SB 1005, Senate Bills 187 and 878

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 557, SB 1210

The Committee on Rules and Calendar recommends committee substitutes for the following: SB 670, SB 904

The Committee on Transportation recommends a committee substitute for the following: SB 207

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.**

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: Senate Bills 776 and 902

**The bills with committee substitute attached were referred to the Committee on Commerce under the original reference.**

The Committee on Commerce recommends a committee substitute for the following: SB 1107

**The bill with committee substitute attached was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.**

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 941

**The bill with committee substitute attached was referred to the Committee on Education under the original reference.**

The Committee on Appropriations recommends a committee substitute for the following: CS for SB 357

The Committee on Commerce recommends a committee substitute for the following: CS for SB's 668, 1054 and 1106

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.**

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 603

**The bill with committee substitute attached was referred to the Committee on Governmental Operations under the original reference.**

The Committee on Commerce recommends a committee substitute for the following: SB 1082

**The bill with committee substitute attached was referred to the Committee on Health and Rehabilitative Services under the original reference.**



The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1136

**The bill with committee substitute attached was referred to the Committee on Judiciary-Civil under the original reference.**

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1073

**The bill with committee substitute attached was referred to the Committee on Judiciary-Criminal under the original reference.**

The Committee on Education recommends a committee substitute for the following: SB 1283

**The bill with committee substitute attached was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.**

The Committee on Judiciary-Civil recommends a committee substitute for the following: CS for SB's 1183 and 885

**The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.**

The Committee on Appropriations recommends committee substitutes for the following: SB 211, SB 216, CS for SB 973, CS for CS for SB 1174, CS for SB 1193, CS for SB 1194

The Committee on Education recommends committee substitutes for the following: SB 114, SB 413

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: SB 995, CS for SB's 816 and 1016

The Committee on Governmental Operations recommends a committee substitute for the following: SB 858

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 718

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 422, SB 1078

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 1270

The Committee on Rules and Calendar recommends a committee substitute for the following: CS for SB 654

The Committee on Transportation recommends a committee substitute for the following: SB 1148

**The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.**

#### REQUESTS FOR EXTENSION OF TIME

May 16, 1985

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: Senate Bills 161, 279, 325, 448, 470, 513, 553, 625, 641, 645, 648, 757, 837, 855, 893, 909, 946, 975, 985, 1019, 1020, 1022, 1039, 1044, 1091, 1093, 1113, 1119, 1128, 1142, 1173, 1192, 1204, 1236, 1239, 1249

May 17, 1985

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 883, 906, 934, 969, 986, 1035

The Committee on Transportation requests an extension of 15 days for consideration of the following: Senate Bills 209, 260, 265, 437, 495, 570, 594, 610, 663, 728, 756, 769, 1071, 1077, 1138, 1159, 1191, 1235, 1242, 1250, 1293; House Bills 623, 808, 1092

May 20, 1985

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 146, 282, 571, 574, 578, 595, 609, 615, 698, 836, 839, 841, 847, 868, 901, 905, 908, 911, 925, 932, 970, 976, 988, 1025, 1030, 1116, 1124, 1133, 1134, 1160, 1203, 1205, 1212, 1217, 1218, 1228, 1229, 1254; HB 289

The Committee on Education requests an extension of 15 days for consideration of the following: Senate Bills 825, 833, 861, 873, 880, 894, 922, 959, 1013

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 494, 518

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following: Senate Bills 293, 378, 399, 598, 1015, 1065, 1096, 1283, 1290; HB 286

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: Senate Bills 168, 180, 230, 538, 602, 605, 614, 646, 665, 898, 1179, 1237, 1299, 1303, 1304; House Bills 247, 390, 526, 1154, 1155, 1156, 1157, 1158, 1159, 1183

May 21, 1985

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following: Senate Bills 703, 784, 863

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: Senate Bills 78, 119, 145, 152, 169, 310, 369, 376, 432, 471, 493, 524, 560, 586, 597, 676, 699, 717, 733, 747, 770, 793, 800, 808, 827, 872, 881, 891, 900, 1017, 1043, 1074, 1082, 1097, 1120, 1141, 1169, 1262, 1274; House Bills 8, 12, 226, 610, 1174

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following: Senate Bills 51, 59, 60, 155, 156, 190, 213, 244, 281, 297, 353, 359, 723, 750, 751, 774, 829, 875, 879, 962, 993, 1046, 1292

The Special Master on Claims requests an extension of 15 days for consideration of the following: SB 781

May 22, 1985

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following: SB 627

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: SB 1308

#### INTRODUCTION AND REFERENCE OF BILLS

##### First Reading

By Senator W. D. Childers—

**SB 1318**—A bill to be entitled An act relating to the City of Pensacola, Escambia County, relating to the Firemen's Relief and Pension Fund; providing for an increase in the amount of pension for those firemen retiring prior to January 1, 1973, and to those widows of such firemen; providing for the funding of such increase; repealing all laws or parts of laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Plummer—

**SB 1319**—A bill to be entitled An act relating to Monroe County; amending subsection (1) of section 4 of chapter 76-441, Laws of Florida, as amended; making the Governor's appointment of the members of the Florida Keys Aqueduct Authority board of directors subject to confirmation by the Senate; deleting redundant and obsolete provisions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Governmental Operations; and Rules and Calendar.

**SB 1320** was introduced out of order May 14.

By Senator Beard—

**SR 1321**—A resolution commending former Senate President Lew Brantley upon his election to the office of Potentate of Morocco Shrine Temple in Jacksonville.

—was referred to the Committee on Rules and Calendar.

SR 1322 was introduced and adopted May 16.

SR 1323 was introduced and adopted May 16.

#### FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Education and Senator Grant—

**CS for SB 80**—A bill to be entitled An act relating to education; creating the Florida Postsecondary Vocational Center for the Hearing Impaired; providing for the administration of the center; authorizing the establishment of an advisory council; providing an effective date.

By the Committee on Education and Senators Grant, Thurman, Carlucci and Peterson—

**CS for CS for SB 81**—A bill to be entitled An act relating to vocational education; amending s. 229.551, F.S.; providing for secondary vocational education program evaluations; specifying criteria for eligibility for state funding; amending s. 236.081, F.S.; providing for the substitution of vocational courses and a job preparatory program for certain nonelective courses; deleting funding requirements relating to such substituted courses; amending s. 230.645, F.S.; providing for the payment of certain student fees by in-kind contributions; amending s. 233.0695, F.S.; prescribing vocational preparatory instructional requirements; amending s. 240.35, F.S.; providing for payment of certain fees by in-kind contributions; providing for vocational follow-up studies; amending s. 229.558, F.S.; requiring the Department of Education to evaluate vocational programs using specified performance standards; providing an effective date.

By the Committee on Education and Senator Hill—

**CS for SB 114**—A bill to be entitled An act relating to education; amending s. 232.26, F.S.; providing a procedure for the suspension or expulsion of students charged with or adjudicated guilty of certain felonious acts; providing for return to school if student is acquitted or adjudication of guilt is withheld; authorizing alternative education programs for suspended or expelled students; providing an effective date.

By the Committee on Governmental Operations and Senator Margolis—

**CS for SB 125**—A bill to be entitled An act relating to the designation of a state welcome song; designating "FLORIDA", music by Lawrence Hurwit, lyrics by Lawrence Hurwit and Israel Abrams, as an official state welcome song; providing a contingent effective date.

By the Committee on Economic, Community and Consumer Affairs and Senators Meek and Gordon—

**CS for SB 140**—A bill to be entitled An act relating to landlord and tenant; amending s. 83.43, F.S.; defining smoke detection device; amending s. 83.51, F.S.; requiring landlords of all rental properties to ensure premises are equipped with a device at the commencement of the tenancy; amending s. 83.52, F.S.; prohibiting a tenant from destroying any such device; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senators Peterson, W. D. Childers, Crawford, Hill, Gordon, McPherson, Plummer, Frank, Margolis, D. Childers and Gersten—

**CS for SB's 187 and 878**—A bill to be entitled An act relating to motor fuel taxes; amending ss. 212.63, 212.67, F.S.; extending the current tax exemption on gasohol and the refund to distributors and wholesale blenders on fuel used to produce gasohol; providing an additional exemption for certain distillers; providing a retroactive effective date.

By the Committee on Education and Senator Thurman—

**CS for SB 203**—A bill to be entitled An act relating to education; requiring contracts for construction, repair, or maintenance of public school facilities to contain specified provisions relating to the use and storage of toxic or hazardous substances; requiring the Department of Education to adopt, by rule, a list of toxic or hazardous substances; requiring notice of toxic or hazardous substances which may be used in the performance of such contract; providing the district superintendent with the responsibility of enforcing safety precautions; providing a prohibition against the impairment of obligations of contract; providing an effective date.

By the Committee on Governmental Operations and Senators Malchon, Dunn, Myers, McPherson, Mann, Johnson, Gordon, Vogt, Meek, Castor, Hair, Fox and Plummer—

**CS for SB 204**—A bill to be entitled An act relating to the smoking of tobacco products; creating the Florida Clean Indoor Air Act; providing legislative intent; providing definitions; prohibiting the smoking of tobacco products in certain public places and public meetings; providing exceptions; requiring certain persons to post certain signs; providing penalties; repealing s. 255.27, F.S., relating to smoking in public buildings; providing preemptions; providing severability; providing an effective date.

By the Committee on Transportation—

**CS for SB 207**—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; establishing ten deputy assistant secretary positions within the Department of Transportation; establishing certain divisions of the department; establishing the responsibilities of the central office and regions; establishing satellite offices; providing generally for allocation and control of resources, including allocation of resources to the regions; providing for senior management positions; providing for budget entities; providing for reporting of allocations, budget entities, and expenditures; providing for contracting for transportation responsibilities; amending s. 334.046, F.S.; providing that program objectives of the department be accomplished in the most cost-effective manner; amending s. 334.14, F.S.; providing that certain employees of the department be registered professional engineers; amending s. 334.19, F.S.; providing qualifications and duties of the comptroller; amending s. 334.22, F.S.; providing the annual report of the department include an assessment of program impact and cost-effectiveness; providing an effective date.

By the Committee on Appropriations and Senators Kirkpatrick, Castor, Jenne, Dunn, Stuart, Thurman, Malchon, Vogt, Margolis, Fox, Hair, Crawford and Meek—

**CS for SB 211**—A bill to be entitled An act relating to women's athletics at state universities; providing legislative intent; creating a trust fund for challenge grants; providing a procedure for allocating grants; specifying grant amounts, prescribing uses for grants and donations, providing for university administration of grants and donations; providing an effective date.

By the Committee on Appropriations and Senators Stuart, Mann and Frank—

**CS for SB 216**—A bill to be entitled An act relating to information technology resource planning; amending s. 282.307, F.S.; delegating certain authority to the executive administrator of the Information Resource Commission; amending s. 282.308, F.S.; exempting certain information technology resources acquired through contracts and grants funds by universities from the information technology resources plan and requiring a report to the Board of Regents; requiring the Board of Regents to approve each university's information technology resource plan and to provide a copy of each approved plan to the Information Resource Commission; amending s. 282.309, F.S.; requiring the Judicial Administrative Commission, state attorneys, and public defenders to prepare information technology resource plans; providing guidelines for and authorizing the Information Resource Commission to prescribe plan format, content, and review criteria and to review plans; authorizing Judicial Administrative Commission assistance; providing for distribution of plans; providing appropriations; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs—

**CS for SB 218**—A bill to be entitled An act relating to barbering and cosmetology; amending s. 476.034, F.S.; providing definitions; amending s. 476.044, F.S.; clarifying language; amending s. 476.054, F.S., and repealing subsection (3); deleting provisions relating to the initial Barbers' Board; amending s. 476.064, F.S.; defining a quorum for board meetings; amending s. 476.114, F.S.; revising qualifications and examination requirements for licensure of barbers; providing for licensure of persons licensed in another state; amending s. 476.134, F.S.; providing requirements relating to examinations; amending s. 476.154, F.S.; revising provisions relating to biennial renewal of licenses; amending s. 476.155, F.S.; providing for inactive status for barbering instructors and deleting the continuing education requirement as a condition for reactivation of a license; creating s. 476.158, F.S.; providing for examination and licensure of barbering instructors; creating s. 476.178, F.S.; providing for licensure

of barber schools; requiring a bond; providing requirements for operation of such schools; providing for inspections; amending s. 476.184, F.S.; providing requirements for licensure of barbershops; providing for inspections; creating s. 476.192, F.S.; providing a fee schedule and providing for disposition of fees; providing for excess moneys in the Professional Regulation Trust Fund; amending s. 476.194, F.S.; providing additional prohibited acts; providing a penalty; amending s. 476.204, F.S.; providing additional penalties; amending s. 476.254, F.S.; providing a saving clause for barber's assistants; repealing ss. 476.084, 476.164, and 476.174, F.S., relating to fees and disposition, registration of barber's assistants, and examination of barbers and apprentices from other states; saving chapter 476, F.S., from Sunset repeal and providing for future review and repeal; amending s. 477.013, F.S., providing definitions; amending s. 477.0135, F.S., exempting licensed masseurs and certain persons who apply cosmetics from application of the Florida Cosmetology Act; amending s. 477.015, F.S., modifying provisions relating to the Board of Cosmetology; deleting obsolete provisions; amending s. 477.019, F.S., clarifying qualifications for licensure as a cosmetologist; modifying license renewal requirements; creating s. 477.020, F.S., providing for licensure of specialists; providing qualifications; providing for license renewal; amending s. 477.021, F.S., modifying license renewal requirements for cosmetology instructors; amending s. 477.0212, F.S., deleting continuing education requirements for reactivating an inactive license; amending s. 477.022, F.S., eliminating provision for performance examinations; amending s. 477.024, F.S., deleting a student enrollment permit fee; requiring cosmetology schools to retain certain records; providing for inspection thereof; amending s. 477.025, F.S., providing for licensure of specialty salons; providing for license renewal; providing for inspection; amending s. 477.026, F.S., providing license fees for specialists; eliminating authority to charge certain fees for duplicate licenses; modifying provisions relating to disposition of fees collected; amending s. 477.0265, F.S., prohibiting certain unlawful acts in the practice of a specialty; amending s. 477.028, F.S., providing for disciplinary proceedings against a specialist; amending s. 477.029, F.S., providing penalties; repealing s. 477.0225, F.S., relating to continuing education; repealing ss. 477.035 and 477.039, F.S., relating to specialty licenses; amending s. 477.038, F.S., relating to a saving clause; saving chapter 477, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

By the Committees on Appropriations; and Natural Resources and Conservation and Senators Kirkpatrick, Mann and McPherson—

**CS for CS for SB 357**—A bill to be entitled An act relating to wildlife; amending s. 372.001, F.S.; providing definitions; amending s. 372.561, F.S.; providing for the issuance of licenses to take wild animal life or fresh water aquatic life; providing for costs and reporting; amending s. 372.57, F.S.; providing a fee schedule for licenses and stamps; providing exemptions; creating s. 372.5705, F.S.; providing for fish pond licensing; amending s. 372.571, F.S.; providing for the expiration of licenses and stamps; amending s. 372.5712, F.S.; providing for Florida waterfowl stamp revenues; creating s. 372.5715, F.S.; providing for use of revenues generated by sale of wild turkey stamps; providing for reports to the Legislature; amending s. 372.573, F.S.; providing for management area stamp revenues; amending s. 372.574, F.S.; providing for the appointment of sub-agents for the issuance and sale of hunting, fishing, and trapping licenses and stamps; amending s. 372.58, F.S., relating to false statements in applications for licenses or stamps; amending s. 372.581, F.S., relating to entering false information on licenses or stamps; amending s. 372.59, F.S.; providing that licenses or stamps are not transferable; amending s. 372.60, F.S.; providing for the issuance of duplicate licenses and stamps; amending s. 372.65, F.S.; providing for freshwater fish or frog dealer's licenses and other licenses for fish or frog dealers, farmers, or takers; repealing s. 372.576, F.S., relating to archery or muzzle-loading gun permits; repealing s. 372.61, F.S., relating to reports and remittances of county tax collectors; repealing s. 372.62, F.S., relating to guide licenses and regulations; repealing s. 372.69, F.S., which provides for certain blank forms to be furnished by the Game and Fresh Water Fish Commission; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senator Thurman—

**CS for SB 363**—A bill to be entitled An act relating to auctions; providing legislative intent; providing definitions; providing certain exemptions from regulation; creating the Florida Auctioneers Commission; providing membership requirements; providing duties and powers; providing immunity for certain acts of the commission; establishing licensure requirements, qualifications, and procedures for auctioneers, apprentices,

and auction businesses; requiring certain bonds; restricting certain local fees and licenses; providing reciprocity for certain nonresidents; establishing requirements for conducting certain auctions; requiring written agreements; providing exemptions from such agreement requirement; requiring the maintenance of certain records; requiring license display; establishing advertising requirements; prohibiting certain acts and providing for license suspension or revocation; providing for administrative fines; providing for injunction; providing an examination exception for certain persons; providing for compensation and reimbursement to commission members; providing a penalty; providing for review and repeal; providing an effective date.

By the Committee on Education and Senator Weinstein—

**CS for SB 413**—A bill to be entitled An act relating to education; amending s. 230.23, F.S.; revising provisions relating to the code of student conduct; requiring that parents be notified of their right to prohibit the use of corporal punishment; amending s. 232.27, F.S.; prohibiting school personnel from administering corporal punishment to any student whose parents have denied this authority to school personnel; providing an effective date.

By the Committee on Judiciary-Civil and Senator Vogt—

**CS for SB 422**—A bill to be entitled An act relating to mechanics' liens; creating s. 713.1355, F.S.; providing a definition; providing additional requirements with respect to an application for a building permit for a dwelling; allowing persons other than the owner to apply for such permit; providing for a statement of waiver acknowledging certain provisions of the mechanics' lien law; providing an effective date.

By the Committee on Education and Senator Stuart—

**CS for SB 492**—A bill to be entitled An act relating to research and development facilities; amending s. 159.701, F.S.; providing purpose; amending s. 159.702, F.S.; providing rule of construction; amending s. 159.703, F.S.; providing for membership of research and development authorities; amending s. 159.704, F.S.; prescribing procedure for empowering authorities to transact business and exercise powers; amending s. 159.705, F.S.; providing for cooperation agreements; amending s. 240.299, F.S.; providing an additional definition; providing an effective date.

By the Committee on Judiciary-Civil and Senator Weinstein—

**CS for SB 557**—A bill to be entitled An act relating to indigent defendants in criminal trials; amending s. 27.54, F.S.; requiring a county to pay certain costs of the public defender; amending s. 914.06, F.S.; requiring payment by the county for the services of expert witnesses required by an indigent defendant in a criminal case; amending s. 914.11, F.S.; requiring payment of the defendant's cost of procuring the subpoena of witnesses and cost of copies of certain depositions and transcripts; authorizing payment of travel expenses for such witnesses under certain circumstances; amending s. 939.07, F.S.; requiring payment of the defendant's cost of copies of certain depositions and transcripts; removing certain limitations on the right of a defendant to summon witnesses; providing an effective date.

By the Committee on Commerce and Senators Gordon, Malchon and Fox—

**CS for SB 573**—A bill to be entitled An act relating to insurance and health maintenance organizations; amending s. 119.07, F.S., exempting certain health maintenance organization patient and subscriber records from public disclosure; amending s. 624.610, F.S., including health maintenance organizations (HMOs) within the term "ceding insurer" for limited reinsurance purposes; amending s. 627.6675, F.S., deleting HMOs from insurance provisions relating to conversion on termination of eligibility; creating s. 641.155, F.S., abolishing authority of the Department of Insurance to issue certificates of authority for nonprofit health care services plans; amending s. 641.18, F.S., providing state policy; providing legislative declaration regarding the unauthorized operation of a health maintenance organization; amending s. 641.19, F.S., redefining "insolvent" and "surplus" and defining "reporting period" and "geographic area"; creating s. 641.201, F.S., requiring new HMOs to be incorporated; amending s. 641.21, F.S., authorizing applicants for certification to engage in certain activities; providing an exemption; amending s. 641.22, F.S., requiring notice to the Department of Health and Rehabilitative Services of changes in the geographic area of an HMO; authorizing the Department of Insurance to prohibit an expansion under certain circumstances; increasing blanket fidelity bond requirement; requiring griev-

ance procedures for HMOs; requiring accessibility of services; creating s. 641.221, F.S., providing continuing eligibility requirements for certificates of authority; amending s. 641.225, F.S., revising surplus requirements; creating s. 641.227, F.S., creating a fund; providing deposit requirements upon HMOs; amending s. 641.26, F.S., relating to the reporting period for annual reports; authorizing the department to require additional reports or information; amending s. 641.27, F.S., specifying the frequency of examinations; requiring examinations regarding quality at least once every three years; providing for audits or examinations by outside sources; creating s. 641.281, F.S., providing the Department of Insurance with the power to seek injunctive relief relating to specified violations; creating s. 641.282, F.S., providing for payments of judgments by such organizations; amending s. 641.285, F.S., changing deposit and securities requirements relating to insolvency protection; creating s. 641.286, F.S., prohibiting levies upon assets or securities of HMOs held on deposit by the department for certain purposes; amending s. 641.29, F.S., increasing certain application fees; amending s. 641.30, F.S., changing the effect of certain other laws on the regulation of such organizations; amending s. 641.31, F.S., requiring furnishing of certain information to subscribers; imposing additional requirements upon health maintenance contracts; providing for disapproval of forms; imposing additional requirements upon contracts with Medicare recipients; providing delivery requirements; providing for primacy of HMO coverage over Medicaid benefits; creating s. 641.305, F.S., providing translations of language in HMO contracts into languages other than English; providing related restrictions upon advertisements of HMOs; creating ss. 641.3101-641.3108, F.S., authorizing additional contractual provisions; providing restrictions upon cancellation and refusals to renew; providing additional restrictions upon contracts and other materials; providing for the execution of contracts; providing for the validity of noncomplying contracts; providing for the construction and delivery of contracts; requiring notice of cancellation; creating s. 641.3109, F.S., requiring disclosure of primary care physicians; creating s. 641.311, F.S., creating a statewide subscriber assistance program; amending s. 641.35, F.S., relating to assets, liabilities, and investments; imposing investment restrictions; amending s. 641.37, F.S., prohibiting persons from engaging in certain activity and providing penalties therefor; creating s. 641.3901, F.S., prohibiting unfair methods of competition and unfair and deceptive acts or practices; creating s. 641.3903, F.S., specifying such methods, acts, or practices; creating s. 641.3905, F.S., providing investigative powers; creating s. 641.3907, F.S., providing enforcement procedures; creating s. 641.3909, F.S., providing for cease and desist and other orders; creating s. 641.3911, F.S., providing for appeals; creating s. 641.3913, F.S., providing penalties for violating such orders; creating s. 641.3917, F.S., providing civil liability; creating ss. 641.3921 and 641.3922, F.S., providing for conversion of group health maintenance contracts on termination of eligibility; creating part XVIII of chapter 627, F.S.; authorizing the sale of joint life, health, and disability insurance; providing for the regulation of life maintenance contracts; providing minimum standards; providing benefits to insurers meeting such standards; providing for applicability of the Insurance Code; providing for future review and repeal; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senator Dunn

**CS for SB 588**—A bill to be entitled An act relating to motor vehicles; amending s. 319.24, F.S., relating to certificates of title, providing for duplicates; amending s. 320.0607, F.S., providing a fee for the replacement of motor vehicle license plates and stickers; amending s. 320.131, F.S., providing for temporary tags; amending s. 320.27, F.S., providing definitions; providing that certain acts constitute an unfair and deceptive trade practice; requiring proof of certain information with respect to license applications; increasing fees; increasing bond requirements; providing for surety bonds or irrevocable letters of credit; amending s. 320.62, F.S., increasing the initial license fee for motor vehicle manufacturers, factory branches, distributors or importers; amending s. 320.77, F.S., increasing the initial fee for mobile home and recreational vehicle dealers; increasing the fee for supplemental licenses; amending s. 320.8225, F.S., increasing the initial fee for a mobile home or recreational vehicle manufacturer's license; repealing s. 320.132, F.S., relating to in-transit tags; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Thurman—

**CS for SB 603**—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.533, F.S., including sheriffs within the term "law enforcement officer" for the purpose of confi-

dentiality of certain reports; including state attorneys and the Executive Office of the Governor within a list of persons for which confidentiality shall be maintained with respect to complaints; providing for acknowledgement of complaints and investigations in certain circumstances; providing for interagency communications; providing an effective date.

By the Committees on Rules and Calendar; Finance, Taxation and Claims; and Senators Crawford, Mann, Jenne, Grant and Neal—

**CS for CS for SB 654**—A bill to be entitled An act relating to sales tax exemptions; amending ss. 212.02, 212.031, 212.04, 212.05, 212.06, 212.08, 288.385, F.S.; repealing certain sales tax exemptions; providing for future repeal of ss. 212.03(4), (7), 212.031(5)-(8), 212.052, 212.06(7), 212.07(5), (6), F.S., relating to sales tax exemptions; creating a commission to review certain tax exemptions; providing for membership; providing for travel and per diem expenses; providing for legislative review; providing an effective date.

By the Committees on Commerce; Economic, Community and Consumer Affairs and Senators Crawford, Carlucci and Vogt—

**CS for CS for SB's 668, 1054 and 1106**—A bill to be entitled An act relating to the Florida Emergency Telephone Act of 1974; amending s. 365.171, F.S.; providing for a county "911" local option fee to pay for nonrecurring service and/or equipment charges; providing for referendum approval or majority vote of the board of county commissioners; providing for an administrative fee; authorizing indemnification of telephone companies; providing for future review and repeal; providing an effective date.

By the Committees on Rules and Calendar; and Personnel, Retirement and Collective Bargaining—

**CS for SB 670**—A bill to be entitled An act relating to state personnel systems; amending s. 110.125, F.S.; specifying certain uses for a portion of personnel administrative costs; amending s. 110.205, F.S.; revising various exemptions from the Career Service System to reflect membership in the Senior Management Service and the Selected Professional Service; amending s. 110.401, F.S.; limiting the applicability of the Senior Management Service; recognizing the need for training programs; amending s. 110.403, F.S.; vesting rulemaking authority exclusively in the Department of Administration; providing that a Senior Management Service employee serves at the discretion of the agency head; providing that certain personnel actions are exempt from chapter 120, F.S.; specifying additional duties of the department; amending s. 110.405, F.S.; abolishing the Senior Management Advisory Committee; authorizing the Secretary of the Department of Administration to appoint advisory committees and to hire a consultant; creating s. 110.406, F.S.; requiring an annual report and specifying the contents of such report; creating s. 110.407, F.S.; providing for biennial performance audits by the Auditor General; creating part VI of chapter 110, F.S.; establishing the Selected Professional Service system; providing a declaration of policy; specifying coverage and providing for pay and benefits; providing for suspension, dismissal, and other actions affecting employees; providing that such personnel actions are exempt from chapter 120, F.S.; providing for rules, records, and performance appraisal; requiring an annual report and a biennial performance audit; specifying certain leave and insurance benefits to be provided to Senior Management Service and Selected Professional Service employees; providing for the transfer of unused leave credits and the continuity of service with respect to affected employees; requiring the adoption and application of specific criteria for agency reorganizations and requiring review of existing bureaus; amending s. 447.203, F.S.; defining "public employer" with respect to Selected Professional Service employees; reviving and readopting provisions relating to the Senior Management system; repealing s. 110.404, F.S., relating to the Senior Management Policy Committee; providing for future review and repeal; providing for retroactivity; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Vogt—

**CS for SB 718**—A bill to be entitled An act relating to child protective investigations; amending s. 415.505, F.S., directing the Department of Health and Rehabilitative Services to furnish described persons with copies of reports on child protective investigations; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senators Mann and Gersten—

**CS for SB's 776 and 902**—A bill to be entitled An act relating to hospitals; requiring certain hospitals providing emergency room services to admit certain patients without regard to economic criteria; providing for transfer of such patients under certain circumstances; providing an effective date.

By the Committees on Finance, Taxation and Claims; and Corrections, Probation and Parole and Senators Stuart, Carlucci and Grant—

**CS for CS for SB's 816 and 1016**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; creating s. 212.054, F.S.; providing for application of a discretionary sales surtax; providing penalties; requiring the Department of Revenue to administer, collect, and enforce such tax; creating s. 212.056, F.S.; authorizing counties to levy, by referendum, a discretionary additional 1 percent tax; specifying the purposes for which the proceeds from the tax may be used; providing for the administration, collection, and distribution of tax proceeds; providing penalties; providing an effective date.

By the Committee on Education and Senators Vogt, Johnson and Stuart—

**CS for SB 826**—A bill to be entitled An act relating to education; amending s. 229.8055, F.S.; providing duties of the Department of Education; deleting authorization for environmental education projects; requiring a report; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Fox—

**CS for SB 831**—A bill to be entitled An act relating to mental health; amending s. 394.67, F.S.; creating ss. 394.875-394.93, F.S.; providing for licensing and regulation of mental health crisis stabilization units and residential treatment facilities by the Department of Health and Rehabilitative Services; providing definitions; requiring licenses; providing penalties for unlicensed operation; providing for injunctions; providing exemptions; providing application procedures; providing for collection and disposition of fees; providing for rules and enforcement; providing for inspections; providing for denial, suspension, or revocation of licenses; providing for receivership; creating the Mental Health Facility Licensing Trust Fund; providing for future repeal and legislative review; providing an effective date.

By the Committee on Governmental Operations and Senators Jenne and Stuart—

**CS for SB 858**—A bill to be entitled An act relating to governmental organization; amending ss. 20.21, 20.22, 20.24, 20.25, 20.28, F.S.; providing for Senate confirmation of the executive directors of the Departments of Revenue, General Services, Highway Safety and Motor Vehicles, and Natural Resources and the executive director of the State Board of Administration; amending s. 114.04, F.S.; requiring reappointment or replacement of secretaries, division directors, and certain executive directors at the commencement of each term of a Governor, subject to confirmation by the Senate; amending ss. 14.22, 14.23, 14.25, 14.26, 20.19, 23.133, 23.147, 27.36, 215.64, 266.112, 266.303, 348.753, 348.772, 348.942, 393.001, 400.304, 440.45, 448.06, 947.02, F.S.; providing that certain appointments to office are subject to confirmation by the Senate, including the appointment of the Executive Director of the Florida Governor's Council on Physical Fitness and Sports, the Director of the Office of State-Federal Relations for the State of Florida, the Florida State Commission on Hispanic Affairs, the head of the Citizen's Assistance Office, the Statewide Human Rights Advocacy Committee, the Director of the Office of Early Childhood Development, the Florida Research and Development Commission, the Executive Director of the Office of Prosecution Coordination, the Director of the Division of Bond Finance, the Historic Tallahassee Preservation Board of Trustees, the Historic Palm Beach County Preservation Board of Trustees, certain Orlando-Orange County Expressway Authority members, certain Palm Beach Expressway Authority members, certain St. Lucie County Expressway Authority members, the Florida Developmental Disabilities Planning Council, the State Nursing Home and Long-Term Care Facility Ombudsman Council, the Chief Commissioner of the Workers' Compensation Law, the mediator for the voluntary mediation and conciliation service, and the Parole and Probation Qualifications Committee; amending ss. 186.504, 313.01, 314.01, 373.0693, 483.053, 706.07, F.S.; deleting the requirement that certain appointments to office are subject to confirmation by the Senate,

including the appointment of certain members of regional planning councils' governing boards, harbor masters, members of basin boards of the water management districts, the Clinical Laboratories Advisory Council, and the public custodians of lost timber and lumber; providing that appointments that by local law are presently subject to Senate confirmation are no longer subject to such confirmation; providing an effective date.

By the Committee on Rules and Calendar and Senator McPherson—

**CS for SB 904**—A bill to be entitled An act relating to public officers and employees; amending s. 112.061, F.S.; prescribing reimbursement rates for certain traveling in state and out of state; providing an effective date.

By the Committee on Commerce and Senator Girardeau—

**CS for SB 933**—A bill to be entitled An act relating to insurance; amending s. 624.33, F.S., providing clarifying language relating to the jurisdiction of the Department of Insurance with respect to certain health or life insurance coverage; amending s. 624.437, F.S., providing penalties with respect to multiple-employer welfare arrangements; amending s. 624.438, F.S., providing general eligibility with respect to multiple-employer welfare arrangements; amending s. 624.439, F.S., relating to application filing; amending s. 624.44, F.S., authorizing the department to examine specific excess insurance of multiple-employer welfare arrangements; creating s. 624.441, F.S., providing for insolvency protection; creating s. 624.442, F.S., providing for annual financial and triennial actuarial reports; creating s. 624.443, F.S., providing for place of business and maintenance of records; creating s. 624.444, F.S., providing for the suspension or revocation of approval of a multiple-employer welfare arrangement; creating s. 624.445, F.S., providing for order, notice, duration and effect of suspension or revocation; providing for administrative fines; creating s. 624.446, F.S., providing for rehabilitation and dissolution; providing for the application of the act; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Fox—

**CS for SB 941**—A bill to be entitled An act relating to human resources; directing the Department of Labor and Employment Security, with the assistance of the Department of Health and Rehabilitative Services, to establish a Human Resource Talent Bank; providing for the duties of the Department of Health and Rehabilitative Services; encouraging certain institutions to request services of the bank; authorizing the bank to contact certain people, agencies, and institutions; creating the Human Resource Talent Bank Trust Fund; providing an appropriation; providing an effective date.

By the Committees on Appropriations and Commerce and Senators Thomas, Meek, W. D. Childers, Hill, Fox, Margolis, Vogt, Jenne, Gordon, McPherson, Crawford, Grant and Hair—

**CS for CS for SB 973**—A bill to be entitled An act relating to insurance; amending s. 624.316, F.S.; clarifying the scope of department examinations; authorizing acceptance of audited certified accountant's reports in lieu of certain insurer examinations; amending s. 624.407, F.S.; increasing minimum capital, surplus, or net trust fund requirements for insurers; amending s. 624.408, F.S.; and creating s. 624.4081, F.S.; changing the calculation of certain insurer surplus requirements and requiring existing insurers to meet certain surplus requirements; providing a schedule for certain insurers to meet capital, surplus, special surplus or net trust fund requirements; creating s. 624.4095, F.S., authorizing the Department of Insurance to restrict premiums written by an insurer under certain circumstances; amending s. 624.411, F.S., increasing the deposit requirement for domestic and foreign insurers; increasing the maximum amount of discretionary deposit requirements for certain insurers; amending s. 624.413, F.S., requiring that an applicant for an insurance certificate of authority furnish copies of existing and proposed nonfacultative reinsurance contracts; changing provisions relating to the timeliness of insurer examination reports; authorizing acceptance by the department of audited certified public accountant's report in lieu of certified examination reports; amending s. 624.418, F.S., providing for annual determinations of net premiums written to surplus for certain purposes; amending s. 624.424, F.S., requiring certain insurers to provide to the department a certified public accountant's audited financial statement and opinion and other information; providing for maintenance of data and exemptions; creating s. 624.4241, F.S., requiring insurers to file an additional copy of certain reports with the department to be forwarded to the National Association of Insurance Commissioners; providing for payment



of certain fees; amending s. 624.610, F.S., requiring submission of copies of reinsurance treaties by ceding insurers to the department; authorizing use of reinsurance consultants and payment therefor; disallowing authority for granting certain reinsurance credits in certain financial statements; amending s. 625.012, F.S., revising premiums in the course of collection which may be allowed as an asset of an insurer; providing definitions; providing restrictions; amending s. 625.52, F.S., changing the types of investments in which insurer deposits may be made; providing additional investment requirements; amending s. 625.55, F.S., revising language relating to custodial arrangements in lieu of insurer deposit requirements; amending s. 625.58, F.S., placing the responsibility for maintaining the market value of deposits on the depositing insurer; providing for optional deposits by insurers; amending s. 626.091, F.S., restricting use of supervisors or managers by certain insurers unless licensed as a supervising or managing general agent; placing responsibility with the insurer for acts of its supervising or managing general agent; exempting surplus lines insurance; amending s. 627.321, F.S., authorizing the department to examine certain insurers and under certain circumstances; amending s. 627.915, F.S., changing a reporting date affecting certain insurers; deleting the scheduled reporting date for products liability insurance; limiting a reporting requirement of the department; amending s. 629.131, F.S., disallowing the use of cash in lieu of certain securities to meet the alternative deposit authorized for reciprocal insurers; providing for an appropriation; providing effective dates.

By the Committee on Finance, Taxation and Claims and Senator Crawford—

**CS for SB 995**—A bill to be entitled An act relating to the taxation of aviation fuel; creating part III of chapter 212, F.S.; providing a definition of aviation fuel; providing for the taxation of aviation fuel; providing for administration and disposition of funds collected; amending s. 212.02, F.S.; redefining motor fuel and special fuel; amending s. 206.42, F.S.; redefining aviation motor fuel; amending s. 322.21, F.S.; providing for deposit of funds in the State Transportation Trust Fund; amending s. 322.12, F.S.; providing for deposit of funds in the State Transportation Trust Fund; amending s. 322.121, F.S.; providing for deposit of funds in the State Transportation Trust Fund; amending s. 212.62, F.S.; providing that the tax per gallon for any year shall not be less than that for the previous year under certain circumstances; amending s. 212.05, F.S.; providing criteria for computing the sales tax on occasional or isolated sales of certain motor vehicles; requiring the Department of Revenue to adopt certain rules; providing penalties; providing an appropriation; providing for disposition of certain moneys pursuant to court order; exempting penalties and interests; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senator Grant—

**CS for SB 1005**—A bill to be entitled An act relating to the Treasurer; amending s. 18.10, F.S.; providing for investments in intermediate term notes of certain corporations; designating the Treasurer as cash management officer for the state; providing duties; amending s. 18.101, F.S.; providing for designation of account for transmittal of moneys collected by the state; providing an appropriation; providing an effective date.

By the Committee on Governmental Operations and Senator Malchon—

**CS for SB 1051**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing that complaints and records related to sexual harassment and discrimination are confidential until a finding is made relating to probable cause, the investigation becomes inactive, or until made part of a court or hearing record; providing access to such records to agencies otherwise entitled to access; providing intent; providing an effective date.

By the Committee on Governmental Operations and Senator Langley—

**CS for SB 1064**—A bill to be entitled An act relating to investigative and patrol services and deception detection; amending s. 493.30, F.S., providing new definitions and clarification to current definitions; amending s. 493.301, F.S., redefining certain private investigations; amending s. 493.303, F.S., reducing the number of members on an advisory council; amending s. 493.304, F.S., clarifying classes of licenses; amending s. 493.305, F.S., specifying additional application requirements and increasing eligibility to reapply for license as appropriate; amending s. 493.306, F.S., clarifying certain requirements of applicants; amending s. 493.308,

F.S., redefining the classes of branch office licenses; amending s. 493.309, F.S., relating to investigation of applicant; amending 493.31, F.S., including certain class licenses under insurance requirements; amending s. 493.311, F.S., changing all licenses to biennial renewal; specifying posting of license and notification of termination and employment; amending s. 493.312, F.S., abbreviating the procedures for change of location notification; amending s. 493.313, F.S., clarifying requirements for notification of renewal; amending s. 493.314, F.S., abbreviating the procedures for cancellation of license and providing for an inactive license; amending s. 493.315, F.S., clarifying eligibility for a statewide gun permit; amending s. 493.317, F.S., changing the time frame within which a repossession must be reported; amending s. 493.318, F.S., clarifying property to be maintained; amending s. 493.319, F.S., clarifying grounds for disciplinary action; amending s. 493.321, F.S., limiting eligibility to reapply for persons who violate provisions of this part; amending s. 493.322, F.S., providing authority for department to enjoin unlicensed persons from operating, as appropriate; creating s. 493.327, F.S., providing confidentiality of information relating to residence address and telephone number of licensee with certain limitations; creating s. 493.328, F.S., authorizing a periodic newsletter to industry; amending s. 493.561, F.S., providing clarification of "intern," deleting "employee examiner" from definitions and adding definition of "detection of deception instructor"; amending s. 493.562, F.S., providing department authority to issue an exemption certification to examiners described in said section as excluded from license requirements; amending s. 493.564, F.S., adding an advisory council under this part which is authorized to provide technical assistance to the Department of State related to administration of polygraph examination; amending s. 493.565, F.S., specifying certain application requirements; amending s. 493.566, F.S., clarifying certain qualifications for license requirements; amending s. 493.567, F.S., reducing a certain restriction from license issuance based upon reciprocity; amending s. 493.568, F.S., clarifying requirements for licensee's insurance; amending s. 493.569, F.S., clarifying the requirements for a polygraph intern license; amending s. 493.57, F.S., providing clarification of license periods; amending s. 493.571, F.S., providing requirements for licensure of schools and notification of change of licensees associated to school; amending s. 493.573, F.S., providing additional requirements for posting of license and change of location of licensee; amending s. 493.576, F.S., providing enforcement authority to the department and limiting eligibility to reapply for persons who violate provisions of this part; creating s. 493.578, F.S., authorizing a periodic newsletter to the industry; amending s. 493.579, F.S., providing for cancellation or inactivation of license; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Fox—

**CS for SB 1073**—A bill to be entitled An act relating to mental health; amending s. 394.459, F.S., relating to rights of patients under the Florida Mental Health Act; amending s. 394.467, F.S., modifying criteria for involuntary placement; revising various provisions of chapter 916, F.S.; creating s. 916.10, F.S., establishing the "Forensic Client Services Act"; creating s. 916.105, F.S., providing legislative intent; creating s. 916.106, F.S., providing definitions; creating s. 916.107, F.S., providing the rights of patients receiving treatment; providing for transportation of forensic clients; creating s. 916.108, F.S., providing for training forensic mental health experts; providing immunity in certain situations; amending s. 916.11, F.S., directing the Department of Health and Rehabilitative Services to provide lists of trained experts for court appointment; amending s. 916.13, F.S., relating to involuntary commitment of defendants adjudicated incompetent to stand trial or incompetent for sentencing; providing criteria; providing for admission to a forensic facility; amending s. 916.15, F.S., relating to involuntary commitment of defendants adjudicated not guilty by reason of insanity; amending s. 916.17, F.S., requiring the court to hold a hearing with respect to release conditions within 7 days, under certain circumstances; providing a time limit; creating s. 916.175, F.S., providing a penalty for escape from a treatment program; creating s. 916.178, F.S., prohibiting introduction of certain articles into a forensic facility, or removal therefrom; providing for search and seizure; providing for enforcement; providing a penalty; amending s. 916.19, F.S., deleting definitions; providing certain powers and duties of institutional security personnel at a forensic facility; providing limitations; creating s. 916.20, F.S., providing for rules and for implementation of the act; repealing s. 394.461(4)(a), (b), and (c), F.S., relating to separate and secure facilities for criminally charged or convicted mentally ill persons; repealing s. 916.18, F.S., relating to the program for treatment of persons involuntarily hospitalized due to incompetency to stand trial; providing an effective date.



By the Committee on Judiciary-Civil and Senator Margolis—

**CS for SB 1078**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S., providing a procedure for the examination of ballots under the public records law; providing an effective date.

By the Committee on Commerce and Senator Hair—

**CS for SB 1082**—A bill to be entitled An act relating to medical malpractice liability insurance; amending s. 768.54, F.S.; providing for the issuance by the Florida Patient's Compensation Fund of claims-made coverage; providing for an increase in entry level amounts; creating two risk pools; modifying the type of excess liability coverage to be issued by the fund; providing for the use of a risk-loading factor; providing that assessments be sufficient to cover all expected claims; establishing a contingency reserve; providing an effective date.

By the Committee on Commerce and Senator Mann—

**CS for SB 1107**—A bill to be entitled An act relating to hotels and restaurants; amending s. 509.241, F.S.; deleting the condition that a public lodging or food service establishment operator renting or offering for rent certain facilities may do so for only one ownership, management, control, or franchising authority in order to qualify for exceptions from the licensing provisions of ch. 475, F.S.; repealing s. 509.211(1), F.S., relating to the requirement for the submission of certain plans or drawings before the erection or remodeling of public lodging or food service establishments; amending s. 509.302; deleting the requirements involving Florida State University and the Board of Regents in the Hospitality Education Program; providing for Division of Hotels and Restaurants supervision of the Hospitality Education Program; providing for appropriation and positions for the Hospitality Education Program; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Frank—

**CS for SB 1136**—A bill to be entitled An act relating to children; creating s. 39.002, F.S., providing legislative intent with respect to children's rights; providing an effective date.

By the Committee on Commerce and Senators Frank, Dunn, Thurman, Myers, Mann, Hair, Gordon, Girardeau, Fox, Meek, McPherson, Stuart and Carlucci—

**CS for SB 1137**—A bill to be entitled An act relating to communication; amending s. 229.8361, F.S., directing the Florida Council for the Hearing Impaired to oversee service affecting communications and to administer the provisions of part II of chapter 364, F.S.; creating part II of chapter 364, F.S., creating the "Telephone Communication Services for the Deaf Act of 1985"; providing legislative findings and purpose; providing definitions; providing additional duties of the Florida Council for the Hearing Impaired; creating a trust fund; providing for administration of the fund; providing for investments and expenditures; providing for the purchase of equipment, bid specification and requirement and sublease; providing that certain safety and health care providers are required to purchase and operate telecommunication devices; providing for a dual party system; providing for a study; providing for implementation; providing an effective date.

By the Committee on Corrections, Probation and Parole and Senator Carlucci—

**CS for SB's 1146 and 957**—A bill to be entitled An act relating to the Parole and Probation Commission; amending s. 947.16, F.S.; providing for consideration of consecutive mandatory minimum sentences for purposes of determining parole eligibility; requiring each mandatory minimum portion of consecutive sentences to be served consecutively; providing that persons sentenced to consecutive sentences are eligible for parole unless expressly prohibited; amending s. 947.165, F.S.; requiring the commission to aggravate or aggregate consecutive sentences when establishing a projected parole release date; requiring the Parole and Probation Commission and the Department of Corrections to provide notification of release date to specified persons; requiring the state attorney to notify victim upon request; amending s. 947.24, F.S.; specifying the period of parole for persons sentenced to consecutive sentences; providing effective dates.

By the Committee on Transportation and Senator Gordon—

**CS for SB 1148**—A bill to be entitled An act relating to the Department of Transportation; amending s. 337.16, F.S.; providing for the suspension or revocation of a contractor's certificate of qualification for delinquency; providing for notice of suspension or revocation and a right to a hearing; providing for a period of suspension; providing for disapproval as a subcontractor during the period of suspension; providing for revocation of a certificate of qualification for multiple suspensions; providing for a hearing; providing for revocation of a certificate of qualification for certain affiliates of a contractor whose certificate has been suspended or revoked; providing that provisions of the act are applicable to future contracts; providing an effective date.

By the Committees on Appropriations; Finance, Taxation and Claims; and Agriculture and Senator Crawford—

**CS for CS for CS for SB 1174**—A bill to be entitled An act relating to agriculture; amending s. 581.011, F.S.; clarifying the definition of "department" and defining "quarantine"; amending s. 581.031, F.S.; providing powers of the Department of Agriculture and Consumer Services with respect to records of the movement of nursery stock; amending s. 581.131, F.S.; increasing the maximum registration and renewal fee for such persons; removing an exemption for certain nurserymen; amending s. 581.141, F.S.; expanding to any person the applicability of departmental fines for violations under ch. 581, F.S.; amending s. 581.161, F.S.; authorizing fumigation or treatment of plants exposed to infestation or infection; creating s. 581.192, F.S.; imposing an excise tax on citrus nursery stock; creating s. 603.131, F.S.; imposing an excise tax on limes and lemons; creating a trust fund and providing for deposit of the proceeds therein; providing for use of such funds; providing for repeal; providing appropriations to the Department of Agriculture and Consumer Services for eradication of citrus canker; creating the Florida Citrus Canker Trust Fund; providing appropriations; specifying application; providing an effective date.

By the Committee on Judiciary-Civil and Senators Dunn and Johnson—

**CS for CS for SB's 1183 and 885**—A bill to be entitled An act relating to traffic infractions and criminal traffic offenses; amending s. 34.191, F.S.; providing an exemption for the distribution of court costs; amending s. 318.14, F.S.; making certain drivers' licenses and motor vehicle registration offenses misdemeanors; allowing persons cited for infractions under this section to attend a driver improvement course in lieu of court appearance or payment of civil penalty; providing for withholding of adjudication of guilt in certain traffic infractions and offenses; providing for imposition and distribution of court costs; amending s. 318.18, F.S.; increasing civil penalties for infractions; providing for nonwaiver of speeding surcharges; amending s. 318.19, F.S.; deleting the requirement of a mandatory hearing for infractions resulting in property damage over \$2,000 or in personal injury; providing for mandatory hearings for any infraction resulting in serious bodily injury; amending s. 320.07, F.S.; providing that the operation of a motor vehicle without an attached registration license plate and validation sticker or a mobile home without the appropriate sticker is a second degree misdemeanor; amending ss. 943.25, 960.20, F.S.; imposing court costs on those adjudications which are withheld pursuant to s. 318.14(9) and (10), F.S.; repealing s. 322.15(3), F.S., relating to procedures for disposing of charges for driving without a valid operator's or chauffeur's license; providing an effective date.

By the Committees on Appropriations and Education and Senators Peterson and Castor—

**CS for CS for SB 1193**—A bill to be entitled An act relating to adult education courses; creating s. 230.2215, F.S.; requiring the publication of a district course directory; specifying information to be included in such directory; prohibiting school districts and community colleges from expending state funds for any course not listed in such directory; creating s. 229.13, F.S.; requiring school districts and community colleges to use a uniform registration form to enroll adults in courses; amending s. 229.565, F.S.; providing for the evaluation of public school and community college programs; providing for the adjustment of funding allocations and penalties in the event of audit discrepancies; amending s. 228.072, F.S.; defining the term "basic skills" for the purpose of the Adult General Education Program; authorizing the waiver of certain fees for students in adult general education courses who document financial need or basic skills deficiencies or who are 60 years of age or older; limiting the total number of full-time equivalent students for whom school districts and

community colleges may grant fee waivers; providing reporting requirements; providing graduation requirements for adult students; amending s. 228.072, F.S., relating to the adult general education program; revising a definition, certain criteria for participation in the program, and the location of instruction; providing an effective date.

By the Committees on Appropriations and Transportation—

**CS for CS for SB 1194**—A bill to be entitled An act relating to transportation; amending s. 288.063, F.S.; cross-referencing the definition of transportation facility to a definition in ch. 334, F.S.; amending s. 332.006, F.S.; authorizing the Department of Transportation to provide matching moneys to airport sponsors; amending s. 332.004, F.S.; amending the definition of an eligible agency; amending s. 332.007, F.S.; providing for funding with respect to the expansion of certain existing airports; amending s. 334.03, F.S.; amending the definition of a bridge; amending s. 334.14, F.S.; providing that the requirement for engineering registration does not apply to the incumbents of certain positions; amending s. 335.04, F.S.; providing that local governmental entities must maintain roads in accordance with approved federal guidelines; amending s. 335.09, F.S.; directing the Department of Transportation to erect and maintain a uniform system of traffic control devices; amending s. 335.14, F.S.; providing that computerized traffic systems and traffic control devices used solely for purposes of traffic control and surveillance are exempted from the provisions of ch. 282 and s. 287.073, F.S.; amending s. 336.045, F.S.; providing for minimum guidelines and requirements for curb ramps constructed after January 1, 1985; creating s. 336.046, F.S.; requiring bus bench and transit shelter set back; amending s. 337.02, F.S.; providing that the Department of Transportation may purchase parts and repairs for certain equipment below a specified cost without competitive bids; amending s. 337.185, F.S.; providing that certain claims for additional compensation shall be arbitrated after acceptance of the project; providing for an honorarium for members of the State Arbitration Board; providing for the payment of a fee by the party requesting arbitration; amending s. 337.407, F.S.; requiring suppliers seeking to advertise on bus benches or transit shelters to obtain authorization from a local governmental entity; creating s. 337.408, F.S.; requiring bus bench and transit shelter set back; amending s. 339.0805, F.S.; providing that socially and economically disadvantaged individuals or subcontractors may form joint ventures to submit competitive bids; amending s. 339.125, F.S.; providing that the department may advance available funds to pay for the cost of preparing preliminary engineering plans and cost estimates; amending s. 339.135, F.S.; providing that unexpended funds for certain programs remaining at the end of the fiscal year for which contracts have been executed and bids awarded may be certified forward as fixed capital outlay; repealing s. 335.02(3), (4), F.S., as amended, relating to purchase of rights-of-way; providing an effective date.

By the Committee on Judiciary-Civil and Senator Dunn—

**CS for SB 1210**—A bill to be entitled An act relating to the judiciary; amending ss. 26.031, 34.022, F.S.; providing for additional judges in specified circuits and counties; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Castor—

**CS for SB 1231**—A bill to be entitled An act relating to child support enforcement; amending s. 409.2554, F.S.; providing definitions; amending s. 409.2561, F.S.; relating to assignment of rights to child support; providing for child support enforcement demonstration projects; providing an effective date.

By the Committee on Education and Senator Castor—

**CS for SB 1244**—A bill to be entitled An act relating to education; amending s. 231.532, F.S.; prescribing eligibility for designation as a meritorious school; providing an effective date.

By the Committee on Governmental Operations and Senator Dunn—

**CS for SB 1266**—A bill to be entitled An act relating to building construction; creating the "Florida Building and Facilities Act"; providing definitions; providing for powers of the Division of Facilities Management of the Department of General Services, as created by the act; providing for the powers of the Division of Bond Finance; authorizing the Division of Bond Finance to issue certain obligations; providing for the planning, promotion, and supervising of state building projects; providing for the use of certain facilities; providing for the creation of a Florida Facilities Pool; providing for facilities in the pool; providing for a deter-

mination of qualified facilities; providing for participation in the pool; providing for requests for an advisory statement; providing for the determination of certain rental rates; providing for factors to be considered in the establishment of such rates; providing for the issuance of obligations; providing for security; providing for anticipation obligations; providing for the purpose, times, approval, and limitations for obligations; providing for variable rate obligations; providing for approval; providing for failure of payment; providing limited liability with respect to certain obligations; providing for an annual report; providing for exemption from taxes and eligibility as investments; amending s. 20.22, F.S., creating a Division of Facilities Management within the Department of General Services and revising a division name; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Castor—

**CS for SB 1270**—A bill to be entitled An act relating to domestic violence; amending s. 741.30, F.S., clarifying and conforming language with respect to action by a spouse for injunction for protection against domestic violence; providing for priority of proceedings under chapter 61, F.S.; providing duties of the clerk of the court; providing for immediate injunctive restraint from commission of acts of domestic violence; providing for injunctive award of exclusive use and possession of a dwelling; providing a limitation on evidence which may be used to obtain an ex parte temporary injunction, under certain circumstances; changing the duration of such temporary injunction; modifying the time period for service of an injunction; providing for motion to modify or dissolve an injunction; providing for bail; amending s. 901.15, F.S., restricting warrantless arrests for acts of domestic violence; providing an effective date.

By the Committee on Education and Senator Peterson—

**CS for SB 1283**—A bill to be entitled An act relating to the State University System of Florida; creating s. 240.2010, F.S.; providing definitions; creating s. 240.2013, F.S.; providing operational autonomy; amending s. 240.202, F.S.; establishing authority for the State University System of Florida; creating s. 240.2025, F.S.; establishing Board of Regents responsibility for component universities; amending s. 240.203, F.S.; relating to the authority of the State Board of Education; amending s. 240.205, F.S.; establishing the Board of Regents as a body corporate; amending s. 240.207, F.S.; reducing length of terms; amending s. 240.209, F.S.; providing for employment of personnel; providing for the adoption of rules; providing for the appointment of a Chancellor of the State University System of Florida; providing presidents for the component universities; creating ss. 240.2091, 240.2093, F.S.; requiring certain reports to be filed with the State Board of Education and Legislature; amending s. 240.241, F.S.; assigning authority for university divisions of sponsored research to the Board of Regents; providing for appropriations; amending s. 240.531, F.S.; requiring approval by the Board of Regents for the establishment of educational research centers for child development; repealing ss. 240.225, 240.229, 240.283, 240.227, 240.285, F.S., as amended, relating to delegations by the Department of General Services, powers and duties of universities, additional compensation, and the transfer of funds; providing an effective date.

By the Committee on Governmental Operations—

**CS for SB 1320**—A bill to be entitled An act relating to public records; amending s. 119.14, F.S.; providing for application of the policy of open government to the public records and public meetings law to exemptions from such laws; providing legislative intent; repealing exemptions in the chapters of law included in the titles of the Florida Statutes in accordance with a 10-year schedule; requiring the Division of Statutory Revision of the Joint Legislative Management Committee to annually certify to the President of the Senate and Speaker of the House of Representatives the language and citation of exemptions; establishing criteria for the review of exemptions; defining identifiable public purpose; establishing criteria for the creation of future exemptions; requiring uniform language; providing an effective date.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Neal, the rules were waived and by two-thirds vote Senate Bills 834, 334, 407, 599, 851, 990, 1100, 1248, 1276, 743, CS for SB 261, CS for SB 266, CS for SB 643, CS for SB 766, and CS for SB 1176 were withdrawn from the Committee on Appropriations.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 974 was withdrawn from the Committee on Judiciary-Civil.

On motions by Senator Langley, by two-thirds vote Senate Bills 857 and 859 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Carlucci, by two-thirds vote SB 685 was withdrawn from the Committee on Appropriations and indefinitely postponed.

On motions by Senator Neal, by two-thirds vote Senate Bills 705, 1098, 1190, 1247 and 1251 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Jenne, the rules were waived and by two-thirds vote Senate Bills 140 and 690 were withdrawn from the Committee on Commerce; Senate Bills 161, 590, 1128, 1266, CS for SB's 668, 1054 and 1106 were withdrawn from the Committee on Finance, Taxation and Claims; SB 597 was withdrawn from the Committee on Health and Rehabilitative Services; SB 610 was withdrawn from the Committee on Transportation; and SB 1129 was withdrawn from the Committee on Judiciary-Civil.

On motions by Senator Jenne, the rules were waived and the Committee on Economic, Community and Consumer Affairs was granted permission to meet May 23 from 12:00 noon until 2:00 p.m. to consider Senate Bills 238, 394, 386, 719, 772, 1234, 428, 749, 754 and 910.

On motion by Senator Crawford, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet upon adjournment of the afternoon session this day to consider House Bills 1340, 1365 and 1273.

#### MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 79 and 295 which he had approved May 20; and Senate Bills 258, 724 and CS for SB's 346 and 575 which he had approved May 22.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed CS for SB 110, CS for SB 233, CS for SB 416, CS for SB 961, Senate Bills 32, 308, 450, 508, 943, 947.

*Allen Morris, Clerk*

The bills contained in the foregoing message were ordered enrolled.

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed CS for HB 15, House Bills 270, 373, 550, 1181, as amended.

*Allen Morris, Clerk*

#### First Reading

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 38, CS for HB 248, CS for HB 633, CS for HB 639, CS for HB 742, CS for HB 1027, CS for HB's 1122 and 805, House Bills 144, 419, 423, 427, 428, 438, 442, 454, 455, 458, 459, 487, 505, 509, 510, 514, 544, 556, 619, 656, 705, 712, 753, 768, 789, 790, 792, 812, 837, 943, 968, 1053, 1113, 1145, 1273, 1383; and has passed as amended CS for HB 54, CS for HB 173, CS for HB 281, CS for HB 291, CS for HB 295, CS for HB 1037, House Bills 116, 369, 456, 482, 506, 740, 823, 841, 984, 1007, 1038, 1074, 1149, 1323, 1340, 1348, 1365, 1380, 1381, 1382 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Transportation and Representative Grant and others—

**CS for HB 38**—A bill to be entitled An act relating to motor vehicle insurance; creating s. 316.646, requiring specified operators of certain motor vehicles to have proof of maintenance of required security in their immediate possession; providing for display of proof of maintenance of such security upon demand; providing exceptions; providing for dismissal of charges upon display of proof of security; providing a penalty; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Natural Resources and Representative Patchett —

**CS for HB 248**—A bill to be entitled An act relating to inland navigation districts; creating s. 374.975, F.S.; providing legislative intent; creating s. 374.976, F.S.; authorizing and empowering inland navigation districts to undertake certain programs; creating s. 374.978, F.S.; providing for compensation; providing an exemption from the act; providing for review and repeal of the Florida Inland Navigation District and the West Coast Inland Navigation District pursuant to the Sundown Act; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Appropriations.

By the Committee on Transportation and Representatives McEwan and Bankhead—

**CS for HB 633**—A bill to be entitled An act relating to state uniform traffic control; creating s. 316.251, F.S., requiring front and rear bumpers on motor vehicles 5,000 pounds and less; providing maximum heights of bumpers; providing exceptions; providing a penalty; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Health and Rehabilitative Services and Representatives Easley and Rochlin—

**CS for HB 639**—A bill to be entitled An act relating to hospital licensing and regulation; amending s. 395.011, F.S.; providing for hospitals to adopt rules and procedures to consider applications by nurse anesthetists for professional clinical privileges; prohibiting denial of an application solely due to the applicant's licensure; providing limitations on the extent of clinical privileges; providing criteria for practice by nurse anesthetists; providing that no cause of action shall arise if certain actions are taken in good faith and without malice in compliance with the section; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By the Committee on Regulatory Reform and Representative Metcalf —

**CS for HB 742**—A bill to be entitled An act relating to engineering; amending s. 471.003, F.S., exempting certain persons from the registration requirements concerning engineering; amending s. 471.015, F.S., providing criteria for licensure by endorsement; amending s. 471.033, F.S., providing for disciplinary proceedings; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Governmental Operations.

By the Committee on Regulatory Reform and Representatives Hollingsworth and Wallace—

**CS for HB 1027**—A bill to be entitled An act relating to media brokers; amending s. 475.011, F.S.; providing that persons or legal entities engaged in the buying or selling of radio, television or cable enterprises shall not be subject to the provisions regulating real estate brokers, salesmen, and schools; providing an exception; providing for review and repeal; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By the Committee on Higher Education and Representative C. F. Jones and others—

**CS for HB's 1122 and 805**—A bill to be entitled An act relating to education; requiring certain male students applying for or receiving state funded scholarships or financial aid to show proof of compliance with selective service system registration requirements; providing penalties; providing for notification and appeal; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representative Burnsed—

**HB 144**—A bill to be entitled An act relating to the City of Lakeland, Polk County; amending the 1963 Pension Plan which is contained at Division II, Article III of the City of Lakeland Charter; amending section

35(c) of said Division II, Article III; modifying the requirements for investment in corporate equities; authorizing the investment of pension funds in business trusts which invest solely in securities which are direct obligations of the United States Government and in repurchase agreements pertaining to such securities; authorizing the pension board to retain investment managers; providing for the responsibility of investment managers; authorizing investment managers to invest pension funds in authorized investments and pursuant to the investment policy of the board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lewis and others—

**HB 419**—A bill to be entitled An act relating to the City of Jacksonville; amending sections 7.102 and 7.103 of chapter 67-1320, Laws of Florida, as amended, to provide that established job qualifications for any director, deputy director, or division chief of any department of the city may not be modified by ordinance of the council in order that an appointment may be made of an individual not possessing the job qualifications prescribed by the ordinance code; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Smith and others—

**HB 423**—A bill to be entitled An act relating to Citrus, Dixie, Levy, and Taylor Counties; repealing chapter 73-432, Laws of Florida, relating to limits on stone crab traps; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Natural Resources and Conservation; and Rules and Calendar.

By Representative Hodges—

**HB 427**—A bill to be entitled An act relating to Lafayette County; authorizing the board of county commissioners to maintain and construct cattle gaps on any county graded road; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representatives Hodges and Locke—

**HB 428**—A bill to be entitled An act relating to Citrus County; amending section 1 of chapter 77-526, Laws of Florida, relating to prohibited commercial fishing in certain waters in the county, to correct a land description; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lewis and others—

**HB 438**—A bill to be entitled An act relating to the City of Jacksonville; amending section 5.10 of chapter 67-1320, Laws of Florida, as amended, relating to the duties of the Council Auditor; amending section 3.01 of chapter 67-1320, Laws of Florida, as amended, to provide that those matters prescribed by the charter relating to the Council Auditor can be amended only after approval by referendum of the electors; providing for the superseding of any law or ordinance inconsistent with the provisions of this act and prohibiting the enactment of any ordinance in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lewis and others—

**HB 442**—A bill to be entitled An act relating to the City of Jacksonville; amending section 5.05 of chapter 67-1320, Laws of Florida, as amended; revising the Charter of the City of Jacksonville to provide for filling vacancies that occur in the offices of members of the council; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lewis and others—

**HB 454**—A bill to be entitled An act relating to the City of Jacksonville; amending subsection (b) of section 1 of chapter 63-1447, Laws of Florida, as amended, to provide that any member of the Jacksonville Port Authority appointed for two consecutive full terms shall not be eligible for appointment to the succeeding term; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lewis and others—

**HB 455**—A bill to be entitled An act relating to the City of Jacksonville; amending section 14.07 of chapter 67-1320, Laws of Florida, as amended, being the Charter of the City of Jacksonville, providing the method for filling vacancies on the Duval County School Board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lewis and others—

**HB 458**—A bill to be entitled An act relating to the City of Jacksonville; amending sections 8.035, 9.035, 10.035, and 11.035 of chapter 67-1320, Laws of Florida, as amended, being the Charter of the City of Jacksonville, to provide for filling vacancies that occur in the office of sheriff, supervisor of elections, property appraiser, and tax collector; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lewis and others—

**HB 459**—A bill to be entitled An act relating to the City of Jacksonville; amending section 6.05 of chapter 67-1320, Laws of Florida, as amended; revising the Charter of the City of Jacksonville to provide for filling vacancies that occur in the office of mayor; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Gardner—

**HB 487**—A bill to be entitled An act relating to Brevard County; relating to the enforcement of Chapter 4, Code of Brevard County, the Brevard County Animal Control Ordinance; allowing specific penalties for the violation thereof; authorizing the enactment of an ordinance establishing procedures to implement this act; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lewis and others—

**HB 505**—A bill to be entitled An act relating to the City of Jacksonville; amending Section 28.104 of Article 28 of Chapter 67-1320, Laws of Florida, as amended, to provide that any member of the Jacksonville Downtown Development Authority appointed for two consecutive full terms shall not be eligible for appointment to the succeeding term; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Webster and others—

**HB 509**—A bill to be entitled An act relating to the Valencia Drainage District, Orange County; prescribing a quorum to be present at all landowners' meetings; requiring a majority vote for certain elections and passage of motions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Webster and others—

**HB 510**—A bill to be entitled An act relating to the Windermere Water and Navigation Control District, Orange County; amending section 25 of chapter 63-1711, Laws of Florida, increasing the number of members of the Advisory Committee to the Board of County Commissioners of Orange County from three members to five members; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Peeples—

**HB 514**—A bill to be entitled An act relating to East Charlotte Drainage District, Charlotte County; amending section 3 of chapter 65-664, Laws of Florida, requiring members of the board of supervisors to be residents of the State of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Figg and others—

**HB 544**—A bill to be entitled An act relating to the City of Temple Terrace, Hillsborough County; amending section 4 of chapter 31320, Laws of Florida, 1955, as amended, to add the northern half of the right-of-way of Fowler Avenue to the corporate limits of the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative M. E. Hawkins—

**HB 556**—A bill to be entitled An act relating to the Big Corkscrew Island Fire Control and Rescue District, Collier County; amending section 14 of chapter 77-535, Laws of Florida; clarifying authority of members of the district board to receive volunteer firefighter compensation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Clark—

**HB 619**—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending section 1 of chapter 63-661, Laws of Florida, as amended, changing the boundary lines of said district so as to include additional lands within said district; providing for the right of said district to annex lands within said district upon the voluntary petition of the landowners affected; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Clark—

**HB 656**—A bill to be entitled An act relating to the City of Pembroke Pines, Broward County; extending and enlarging the corporate limits of the City; providing for the assumption of duties, powers, and responsibilities over the annexed territory; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Upchurch—

**HB 705**—A bill to be entitled An act relating to St. Johns County; amending sections 1 and 2 of chapter 65-2178, Laws of Florida, authorizing the county and municipalities within the county to impose user access fees upon vehicular traffic on beaches within their boundaries; providing the use of such fees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Dudley—

**HB 712**—A bill to be entitled An act relating to Lee County; amending section 4 of chapter 65-1823, Laws of Florida; conforming the budgetary planning process of the Fort Myers Beach Public Library District to that of general law; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Allen—

**HB 753**—A bill to be entitled An act relating to the City of Key Colony Beach, Monroe County; authorizing the city to exercise its police powers and jurisdiction extending 600 feet into the tidal waters adjacent to its established corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mitchell—

**HB 768**—A bill to be entitled An act relating to Holmes County; amending section 1 of chapter 63-769, Laws of Florida, as amended, providing that the sum of \$25,000 from the Holmes County Racetrack Funds which is currently being paid to the trustees of the Holmes County Hospital Corporation, shall be paid into the General Operating Fund of the Board of County Commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hanson—

**HB 789**—A bill to be entitled An act relating to the greater Boca Raton Beach Tax District, Palm Beach County; amending section 4 of chapter 74-423, Laws of Florida, as amended, providing for the power to borrow money; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hill—

**HB 790**—A bill to be entitled An act relating to Jupiter Inlet District, a special taxing district in Palm Beach County; amending section 5 of chapter 8910, Laws of Florida, 1921, as amended, to increase the compensation payable to members of the board of commissioners of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hill—

**HB 792**—A bill to be entitled An act relating to the Pal-Mar Water Control District, Palm Beach and Martin Counties; authorizing the Board of Supervisors of the Pal-Mar Water Control District to plan, construct, and maintain different water control systems by units of development; prohibiting the board of supervisors from planning, constructing, and maintaining different water control systems by units of development unless the owners of a majority of acres within the unit to be developed express their desire, in writing or by referendum or by certified letter, to have the water control system developed; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Rules and Calendar.

By Representative Dudley and others—

**HB 812**—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry Counties; amending section 1, chapter 63-1549, Laws of Florida, as amended, extending the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Rules and Calendar.

By Representative Robinson and others—

**HB 837**—A bill to be entitled An act relating to the Escambia County Law Library; amending section 4 of chapter 61-2130, Laws of Florida, as amended; revising the membership of the Escambia County Law Library Board; providing that one circuit court judge, one county court judge, and three members of the Escambia-Santa Rosa Bar Association, all to be appointed annually, shall constitute the law library board; providing 4-year terms of office; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Clark—

**HB 943**—A bill to be entitled An act relating to North Springs Improvement District, Broward County; amending section 2 of chapter 71-580, Laws of Florida, expanding the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Clark—

**HB 968**—A bill to be entitled An act relating to the cities of Coconut Creek and Margate, Broward County; annexing and deannexing parcels within the corporate limits of the cities of Coconut Creek and Margate; redefining the cities' common boundaries; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Clark—

**HB 1053**—A bill to be entitled An act relating to the City of Coconut Creek, Broward County; extending and enlarging the corporate limits of the City of Coconut Creek to include specified unincorporated lands within said corporate limits; redefining city limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representatives Dudley and Arnold—

**HB 1113**—A bill to be entitled An act relating to the Matlacha and Pine Island Fire Control District, Lee County; amending section 1 of chapter 63-1558, Laws of Florida, changing the boundaries of the Matlacha and Pine Island Fire Control District to include additional lands lying in Lee County; providing a referendum.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lawson—

**HB 1145**—A bill to be entitled An act relating to the Alligator Point water resources district, Franklin County; amending s. 4 of chapter 63-1350, Laws of Florida, to provide staggered terms for members of the governing board of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Select Committee on Citrus and Agricultural Funding and Representative C. F. Jones and others—

**HB 1273**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending ss. 487.041, 576.041, 578.08, and 580.061, F.S., increasing the fees assessed for registration of pesticides, inspection of fertilizers, registration of seed dealers and inspection of commercial feeds; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By the Committee on Appropriations and Representative Bell—

**HB 1383**—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.06, F.S., providing for replacement license plates every 5 years; providing a fee; providing for the disposition of the fee; eliminating a provision prohibiting reissuance of license plates more frequently than at 8-year intervals providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By the Committee on Finance and Taxation and Representative Carlton and others—

**CS for HB 54**—A bill to be entitled An act relating to the Beverage Law; amending ss. 561.15, 562.11 and 562.111, F.S.; raising the legal age for sale, consumption, or possession of alcoholic beverages; raising the age restriction for licensure under the Beverage Law; providing grandfather provisions; repealing s. 562.113, F.S., relating to drinking age for military personnel on active duty; providing that licensed retail alcoholic beverage establishments shall not violate s. 2, Article I of the State Constitution; specifying color of drivers' licenses for such persons; providing an effective date.

—was referred to the Committees on Commerce; and Finance, Taxation and Claims.

By the Committee on Regulatory Reform and Representative Grindle and others—

**CS for HB 173**—A bill to be entitled An act relating to auctions; providing legislative intent; providing definitions; providing certain exemptions from regulation; creating the Florida Auctioneers Commission; providing membership requirements; providing duties and powers; providing immunity for certain acts of the commission; establishing licensure requirements, qualifications, and procedures for auctioneers, apprentices, and auction businesses; requiring certain bonds; restricting certain local fees and licenses; providing reciprocity for certain nonresidents; establishing requirements for conducting certain auctions; requiring written agreements; providing exemptions from such agreement requirement; requiring the maintenance of certain records; requiring license display; establishing advertising requirements; prohibiting certain acts and providing for license suspension or revocation; providing for administrative fines; providing for injunction; providing an examination exception for certain persons; providing for compensation and reimbursement to commission members; providing a penalty; providing for review and repeal; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; Agriculture; and Appropriations.

By the Committee on Health and Rehabilitative Services and Representative Bell and others—

**CS for HB 281**—A bill to be entitled An act relating to the smoking of tobacco products; creating the Florida Clean Indoor Air Act; providing legislative intent; providing definitions; prohibiting the smoking of tobacco products in certain public places and public meetings; providing exceptions; requiring certain persons to post certain signs; providing penalties; repealing s. 255.27, F.S., relating to smoking in public buildings; providing severability; providing preemption; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Governmental Operations; and Rules and Calendar.

By the Committee on Transportation and Representative Gardner and others—

**CS for HB 291**—A bill to be entitled An act relating to driver licenses; amending s. 322.08, F.S., requiring proof of identity in license applications; amending s. 322.12, F.S., deleting the license examination fee; amending s. 322.121, F.S., requiring reexamination upon renewal instead of every 4 years and deleting the reexamination fee; amending s. 322.13, F.S., directing the Department of Highway Safety and Motor Vehicles to provide for designation of driver's education instructors as driver's license examiners; providing for duties; limiting liability with respect to such driver's license examiners; amending s. 322.17, F.S., increasing the duplicate license fee and requiring proof of identity; amending s. 322.18, F.S., providing for 6-year original driver licenses and providing for 6-year renewal licenses for safe drivers; providing for 4-year license extensions by mail; prohibiting certain possession of license exten-



sion stickers and providing a penalty; amending s. 322.21, F.S., increasing the driver's license fee; repealing s. 322.142(3), F.S., deleting the fee for color photographic licenses; providing appropriations; providing effective dates.

—was referred to the Committees on Transportation; Finance, Taxation and Claims; and Appropriations.

By the Committee on Commerce and Representative Lawson—

**CS for HB 295**—A bill to be entitled An act relating to the Florida Security for Public Deposits Act; amending s. 280.02, F.S.; redefining the terms "public deposit," and "required collateral"; amending s. 280.03, F.S.; prohibiting the deposit of public funds in negotiable certificates of deposit; exempting certain overnight transfers and transfers of funds from the act; amending s. 280.04, F.S.; relating to qualified public depositories and providing a limitation on total public deposits for each depository; amending s. 280.05, F.S.; providing for penalties and additional powers of the Treasurer; amending s. 280.08, F.S.; providing clarifying language with respect to qualified public depositories in default; providing for accrued interest distributions; amending s. 280.09, F.S.; providing for deposits to the Public Deposit Security Trust Fund; providing for an additional assessment; providing for the disposition of the assessment; amending s. 280.16, F.S.; extending the time period for reports of qualified public depositories; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By the Committee on Commerce and Representatives Ogden and Bell—

**CS for HB 1037**—A bill to be entitled An act relating to negligence actions; providing for liability for damages based upon the degree of fault; providing for the elimination of joint and several liability in negligence actions; providing an effective date.

—was referred to the Committees on Judiciary-Civil and Commerce.

By Representative Ward—

**HB 116**—A bill to be entitled An act relating to building construction standards; amending s. 553.73, F.S.; authorizing governmental units and state agencies to delegate building code enforcement responsibilities; amending s. 553.79, F.S.; providing conforming language and authorizing certain state agencies to expend public funds for permit and inspection fees; amending s. 553.80, F.S.; providing conforming language; providing an effective date.

—was referred to the Committees on Governmental Operations; Economic, Community and Consumer Affairs; and Appropriations.

By Representatives Watt and Wallace—

**HB 369**—A bill to be entitled An act relating to antitrust; amending s. 542.17, F.S., defining "local government"; creating s. 542.235, F.S., limiting antitrust actions, penalties, and forms of relief against local governments and their officials and employees; providing applicability; providing an effective date.

—was referred to the Committees on Judiciary-Criminal; and Economic, Community and Consumer Affairs.

By Representative Lewis and others—

**HB 456**—A bill to be entitled An act relating to the City of Jacksonville; adding a new section 14.04 to article 14 of chapter 67-1320, Laws of Florida, as amended, to establish the commencement of terms of newly elected members of the Duval County School Board; providing for the superseding of any law or ordinance inconsistent with the provisions of this act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lewis and others—

**HB 482**—A bill to be entitled An act relating to the City of Jacksonville; amending Section 3 of Chapter 63-1305, Laws of Florida, as amended, to provide that any member of the Duval County Hospital Authority appointed for two consecutive full terms shall not be eligible for appointment to the succeeding term; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lewis and others—

**HB 506**—A bill to be entitled An act relating to the City of Jacksonville; amending Section 7.403 of Chapter 67-1320, Laws of Florida, as amended, changing the designation of the public health division from a local health unit to a public health unit; providing that the public health officer may be a doctor of osteopathy who is trained in public health administration; amending references to the state division of health to change such references to the state department of health and rehabilitative services; repealing section 2 of chapter 71-709, Laws of Florida, relating to administrative and logistical support, the provisions of which are incorporated herein; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative D. L. Jones—

**HB 740**—A bill to be entitled An act relating to health insurance; amending s. 627.638, F.S., providing for direct payment of hospital and medical services fee under certain circumstances; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Bankhead—

**HB 823**—A bill to be entitled An act relating to homestead exemption; amending s. 196.015, F.S.; providing that intent to establish a new residence or acquisition of property with such intent shall not of itself disqualify a person from eligibility for homestead exemption; amending ss. 196.081 and 196.101, F.S.; removing the 5-year residency requirement with respect to the exemptions for the homesteads of disabled veterans and other disabled persons; repealing s. 196.091(1)(b), F.S., which imposes such requirement with respect to such exemption for disabled veterans confined to wheelchairs; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By Representative Robinson and others—

**HB 841**—A bill to be entitled An act relating to Escambia County; abolishing the Century Memorial Hospital Board of Trustees; transferring administration of Century Memorial Hospital to the board of county commissioners; repealing chapter 77-553, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Gallagher—

**HB 984**—A bill to be entitled An act relating to individual health insurance policies; creating s. 627.6401, F.S., requiring refunds of a portion of certain annual or semiannual premiums paid by persons 64 years of age; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Robinson and others—

**HB 1007**—A bill to be entitled An act relating to Escambia County; authorizing the Division of Alcoholic Beverages and Tobacco, Department of Business Regulations to issue an alcoholic beverage license to the Board of County Commissioners of Escambia County for use at the Pensacola Civic Center; authorizing transfer of the license to qualified applicants; providing for automatic reverter of the license; prohibiting sales for consumption off premises; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Commerce; and Rules and Calendar.

By Representative Easley and others—

**HB 1038**—A bill to be entitled An act relating to Pinellas County; amending sections 11 and 23 of chapter 75-489, Laws of Florida, as

amended, defining the terms "aluminum contractor," "aluminum specialty contractor," "roofing contractor," "commercial pool contractor," "residential pool contractor," "swimming pool servicing contractor," and "underground utility contractor"; providing that it is unlawful for any person to engage in the business or act in the capacity of contracting or subcontracting without having been duly registered or certified by the Pinellas County Construction Licensing Board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Evans-Jones—

**HB 1074**—A bill to be entitled An act relating to the City of Palm Bay, Brevard County and the Town of Malabar, Brevard County; amending the Charter of the City of Palm Bay to include within its legal, corporate boundaries certain property heretofore located within the Town of Malabar by amending the Charter of the City of Palm Bay to include such parcel and amending the Articles of Incorporation of the Town of Malabar to delete said parcel; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative T. C. Brown and others—

**HB 1149**—A bill to be entitled An act relating to the Utilities Commission of the City of New Smyrna Beach, Volusia County; amending chapter 67-1754, Laws of Florida; limiting the length and number of terms of members of the commission; providing that the commission may extend city utilities beyond the corporate limits of the city only upon approval of the city commission; providing for city commission review and approval of the commission budget; providing for approval of the city commission before issuing or refunding revenue certificates; providing for city commission approval before entering into certain contracts; providing for the fiscal year required by general law; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Regulatory Reform and Representative Metcalf

**HB 1323**—A bill to be entitled An act relating to medical practice; amending s. 458.311, F.S., permitting graduates of foreign medical schools whose training was completed before certain dates to be exempt from certain requirements under certain circumstances; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Economic, Community and Consumer Affairs.

By the Committee on Finance and Taxation and Representative Ogden

**HB 1340**—A bill to be entitled An act relating to taxation of telegraph and telecommunication services; amending s. 166.231, F.S.; providing for application of the municipal public service tax to telecommunication service and certain cable service; amending s. 203.01, F.S.; providing for calculation of the tax on gross receipts for utility services; requiring persons who utilize certain telephone or telecommunication systems to register and pay said tax; amending s. 203.013, F.S.; revising the method for calculating said tax on telecommunication services originating but not terminating, or terminating but not originating, in this state; requiring that the tax be separately stated; specifying liability of persons who fail to collect the tax; amending s. 212.05, F.S.; providing application of the tax on sales, use and other transactions to telegraph messages and telecommunication services and certain other related services; requiring persons who utilize certain telephone or telecommunication systems to register and pay said tax; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; Commerce; and Appropriations.

By Representative Wetherell and others—

**HB 1348**—A bill to be entitled An act relating to Volusia County; establishing and organizing a municipality in said county to be known by

the name selected by its electors; defining its territorial boundaries; providing for its government, jurisdiction, powers, franchises, immunities, privileges, and means for exercising the same; prescribing the general powers to be exercised by said City; providing extraterritorial powers; creating a Reserve Area; providing for the dissolution of certain existing governments; providing for a referendum.

Proof of publication of the required notice was attached.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Rules and Calendar.

By the Committee on Finance and Taxation and Representative Ogden

**HB 1365**—A bill to be entitled An act relating to tax on tobacco products; creating part II of chapter 210, F.S.; providing definitions; imposing a tax on certain tobacco products; requiring licensure of distributors; providing for license fees and surety bonds; providing for revocation and suspension of licenses; imposing a tax on tobacco products on hand on the effective date of the act; requiring monthly returns; providing for a collection allowance requiring retention of records; providing for inspection; providing for a collection allowance requiring retention of records; providing for inspection; providing penalties; providing for refunds; providing for disposition of tax proceeds; providing for administration; directing that changes in terminology be made; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Commerce.

By the Committee on Appropriations and Representative Bell—

**HB 1380**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1985, and ending June 30, 1986, to pay salaries, other expenses, capital outlay—buildings and improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations and Representative Bell—

**HB 1381**—A bill to be entitled An act relating to state government; implementing and administering the General Appropriations Act for fiscal year 1985-1986; providing authority for the Administration Commission to approve certain transfers related to reorganization; providing that with specified exceptions, automobiles purchased or leased by the state shall be of the subcompact class; restricting the price at which vehicles may be purchased; restricting lease or installment purchase of vehicles, machines, and equipment by the executive or judicial branches unless approved by the Comptroller; restricting expenditure of certain funds available as a result of litigation against oil companies and refineries; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of said restrictions; authorizing school districts to contract with nonpublic residential schools for educational programs not otherwise available, and providing conditions, eligibility, and funding with respect thereto; requiring school districts, community colleges, and the Board of Regents to secure prior approval from the Commissioner of Education for certain purchases of electronic data processing equipment; requiring the Commissioner of Education to conduct an allocation conference prior to distribution of FEFP formula funds; providing for inclusion of certain students in educational alternative programs; retitling certain educational programs; modifying procedures for determining annual allocations to school districts; providing for establishment of enrollment ceilings by program groups; directing the Commissioner of Education to conduct certain enrollment estimating conferences and to report the results thereof; providing for disposition of surplus general revenue included in the Public Medical Assistance Trust Fund in the Department of Health and Rehabilitative Services; providing for deposit of certain revenues received by the Department of Law Enforcement into the Forfeiture and Investigative Support Trust Fund; providing for advance of funds in any specific appropriation under certain conditions; requiring new facilities constructed pursuant to the General Appropriations Act to be landscaped using native vegetation; authorizing use of certain funds by the Department of Administration to reimburse burial expenses and construct a marker for Florida's last Confederate widow; repealing chapter 84-290, Laws of Florida, relating to health care coverage for certain retirees under state-administered retirement systems; providing that the Department of Administration shall pay for certain Medicare coverage for eligible retir-

ees under said chapter or, under certain circumstances, pay for enrollment of such persons in the State Group Health Insurance Plan; restricting use of Special Category Contract Education funds of the Department of Corrections; specifying contents of contracts; providing procedures for state agencies with respect to solicitation for contractual training needs; continuing the existence of certain trust funds in the Departments of Legal Affairs, Agriculture and Consumer Services, Highway Safety and Motor Vehicles, and Transportation; providing for reversion and transfer of certain funds from the Florida Housing Finance Agency Trust Fund to the General Revenue Fund; restricting implementation and funding of provisions relating to extension of the school day for grades 9-12, mathematics, science, and computer education, the Florida Progress in Middle Childhood Education Program, and model programs for the prevention of student failures and dropouts; providing community college district boards of trustees with discretionary fee-assessments for operating capital outlay; providing effective and expiration dates.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations and Representative Bell—

**HB 1382**—A bill to be entitled An act relating to educational facilities; amending ss. 235.001, 235.002, 235.011, 235.014, 235.04, 235.054, 235.055, 235.06, 235.15, 235.193, 235.197, 235.211, 235.212, 235.26, 235.30, 235.31, 235.32, 235.33, 235.34, 235.41, 235.42, 235.435, F.S.; amending the short title; providing legislative intent; providing definitions; providing for functions of the Office of Educational Facilities of the Department of Education; providing for the disposal of real property by certain educational boards; providing procedures for proposed purchases of real property by certain boards; authorizing certain construction on short-term leased property by the Board of Regents; providing for safety and sanitation standards and inspection of public educational and ancillary plants; deleting provision which empowered a local governing body to reject residential development plans under certain circumstances; amending provisions relating to the use of relocatable facilities and providing for the transfer of title of such facilities; deleting provisions requiring that the state board develop and provide certain prototype design criteria; providing for use of designs for natural or natural and low-energy usage mechanical ventilation in certain new educational facilities under certain circumstances; providing for the adoption of a state uniform building code for educational and ancillary plants; requiring conformity of certain plans to the code; providing for enforcement; providing for the awarding of certain contracts; requiring inspection of certain facilities prior to occupancy or final payment to the contractor; prohibiting local legislation amending the uniform building code after a certain date; providing for supervision and inspection of certain construction; authorizing certain set-aside for minority business enterprises; increasing the maximum amount a project may cost to be done on a day-labor basis; deleting certain provisions relating to the advertising and awarding of contracts and prequalification of contractors; requiring contractors to furnish a performance and payment bond; requiring expenditure of funds for certain roads and traffic control devices; amending provisions relating to legislative capital outlay budget requests; revising the sources which comprise the Public Education Capital Outlay and Debt Service Trust Fund; revising the method for allocating moneys from the fund; authorizing and providing funding for specified public educational capital outlay projects; appropriating planning money; repealing s. 235.065, F.S., relating to maintenance and operation of educational plants; reviving and readopting certain provisions scheduled for repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committees on Education and Appropriations.

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives refused to recede from House Amendments 1 and 2 to SB 1300 and acceded to the request of the Senate for a Conference Committee. The Speaker has appointed Representatives Bell, Chairman, Gordon, Lippman, Messersmith, Gardner, Ogden, Crotty, Mills, Morgan, Easley, Hodges and Gallagher. Alternates: R. C. Johnson, Martinez, Wetherell, Carpenter and Burnsed as the Conferees on the part of the House.

*Allen Morris, Clerk*

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

**SB 1301**—A bill to be entitled An act relating to state government; implementing and administering the General Appropriations Act for fiscal year 1985-1986; providing authority for the Administration Commission to approve certain transfers related to reorganization; providing that with specified exceptions, automobiles purchased or leased by the state shall be of the subcompact class; restricting the price at which vehicles may be purchased; restricting lease or installment purchase of vehicles, machines, and equipment by the executive or judicial branches unless approved by the Comptroller; providing for adjustments for school districts' Program Group 2 unadjusted weighted enrollment ceiling; restricting use of appropriated funds for certain legal services unless approved by the Attorney General; restricting expenditure of certain funds available as a result of litigation against oil companies and refineries; authorizing the expenditure of certain funds by state attorneys and public defenders and requiring a report with respect thereto; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of said restrictions; providing for reimbursement to school districts for costs of residential nonpublic school contracts and providing conditions, eligibility, and funding with respect thereto; providing that appropriations to the Department of Education for certain purchases of electronic data processing equipment by school districts, community colleges, and the Board of Regents are subject to approval by the Commissioner of Education; providing for inclusion of certain students in educational alternative programs; retitling certain educational programs; modifying certain match funding requirements relating to certain funds appropriated for local community mental health centers and alcohol project grants; modifying procedures for determining annual allocations to school districts; providing for establishment of enrollment ceilings by program groups; providing for administration of agency training programs and prescribing duties of the Department of Administration with respect thereto; providing for deposit of certain revenues received by the Department of Law Enforcement into the Forfeiture and Investigative Support Trust Fund; providing for advance of funds in any specific appropriation under certain conditions; specifying procedures with respect to certain unexpended balances of the Department of Transportation budget, and authorizing transfer between categories by the Executive Office of the Governor under certain circumstances; providing restrictions upon the transfer of certain individuals or their services between state agencies; restricting use of Special Category Contract Education funds of the Department of Corrections; providing procedures for state agencies with respect to solicitation for contractual training needs; providing procedures for transfer of data from the Department of Education to the Legislature necessary for calculating Aid to Local Governments Appropriations; abrogating the abolition of the trust funds of certain agencies; requiring the Department of Transportation to revise the budget entity structure; requiring the Department of Transportation to allocate resources to districts prior to a specified date; providing for differential premium rates for state group health insurance; providing that certain provisions relating to education shall be implemented only to the extent specifically provided for in the General Appropriations Act; amending s. 212.11, F.S.; providing additional criteria for the payment of estimated sales taxes; providing a retroactive effective date and an expiration date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 3, line 28, strike everything after the enactment clause and insert:

Section 1. It is the intent of the Legislature that the following implementing and administering provisions apply for the General Appropriations Act for fiscal year 1985-1986.

Section 2. Where any reorganization has been authorized by the Legislature and the necessary adjustments of appropriations and positions have not been provided in the General Appropriations Act, the Administration Commission may approve the necessary transfers to accomplish the purposes of such reorganization.

Section 3. All automobiles purchased or leased by the state with funds provided in the General Appropriations Act shall be of the subcompact class, except vehicles used for law enforcement purposes, used as tow vehicles, routinely used to transport more than three adults or bulk materials, or vehicles operated frequently on unpaved roads. All vehicles purchased shall be the smallest class that can safely and adequately meet the transportation requirements. The exception from the subcompact vehicle requirement for law enforcement purposes shall not apply to state attorneys and public defenders.

Section 4. No funds in the General Appropriations Act shall be used to purchase any vehicle at prices in excess of the standard prices negotiated by the Department of General Services, Division of Purchasing.

Section 5. No funds provided in the General Appropriations Act shall be used to acquire equipment in the executive or judicial branches through a lease, lease purchase, or installment purchase arrangement, unless approved by the Comptroller as economically prudent and cost-effective. This restriction shall not apply to equipment which requires approval of the Information Technology Resource Procurement Advisory Council.

Section 6. Specific appropriations are provided in the General Appropriations Act from funds available to the State of Florida due to settlements of litigation brought by the United States Department of Energy against oil companies and refineries. Other statutory provisions to the contrary notwithstanding, it is the intent of the Legislature that funds received as a result of federal statute or administrative or regulatory actions requiring the disbursement to states of refund moneys for alleged overcharges for crude oil or refined petroleum products sold during the period of time in which federal price controls on such crude oil and refined petroleum were in effect, whether by themselves or in conjunction with other moneys appropriated by the Legislature, shall not be expended unless specifically appropriated by the Legislature in the General Appropriations Act.

Section 7. Any agency that has been expressly authorized by other law to make advances for program start-up or advances for contracted services, in total or periodically, shall limit such disbursements to other governmental entities and not-for-profit corporations. The amount which may be advanced shall not exceed the expected cash needs of the contractor or recipient within the initial 3 months. Thereafter, disbursements shall only be made on a reimbursement basis. Any agreement that provides for advancements may contain a clause that permits the contractor or recipient to temporarily invest the proceeds, provided that any interest income shall either be returned to the agency or be applied against the agency's obligation to pay the contract amount. This provision shall not be construed as lawful authority to make any advance payment not otherwise authorized by laws relating to a particular agency or general laws relating to the expenditure or disbursement of public funds. The Comptroller may, after consultation with the Legislative Appropriations Committees, waive the requirements of this section if it is determined to be consistent with the intent of the General Appropriations Act or the Letter of Intent.

Section 8. (1) As authorized by s. 230.23(4)(m), Florida Statutes, a school district may enter into a contractual arrangement with a nonpublic residential school and receive reimbursement when the school board has determined that no special education program offered by it, a cooperating district school board, or a state agency can adequately provide the educational program for the student.

(2) To be eligible for reimbursement, the district shall approve the nonpublic school using criteria established by the State Board of Education. Annually and prior to the first report of full-time equivalent membership for a student in a nonpublic school, a copy of the contract signed by all participating parties shall be filed with the Department of Education. The contract shall meet the standards established by the State Board of Education.

(3) The school district shall seek to share the cost of the residential placement with the Department of Health and Rehabilitative Services and other appropriate federal, state, and local agencies; however, the placement shall be at no cost to the parent.

(4) Annually, the Commissioner of Education shall obtain the cost of all residential nonpublic school contracts and calculate the cost to be reimbursed. The commissioner shall calculate by district and by student the total cost of the contracts and deduct the amount of the weighted FTE generated plus the amount of federal handicapped entitlement funds per student and any amount paid by the Department of Health and Rehabilitative Services, or other federal, state, or local agency. Sixty percent of the difference between the actual cost of contract and the funds deducted shall be eligible for reimbursement.

(5) The commissioner shall request from the Legislature annually the amount of funds needed to reimburse the districts as calculated in subsection (4). If the Legislature does not appropriate the full amount requested, the amount appropriated shall be prorated among all eligible students.

Section 9. Each district school board, each community college board of trustees and the Board of Regents shall secure prior approval from the Commissioner of Education before purchasing or leasing any electronic data processing equipment or software costing in excess of \$6,000 in any 12-month period. In granting approval, the commissioner must ensure that the software or equipment is compatible with the Florida Information Resources Network, and that the costs of educational computing are reduced by making the best use of existing hardware and software. The Commissioner of Education shall give priority to improving information systems, with specific emphasis on common data definitions and data handling procedures which will provide analyses and reports utilizing data from school districts, community colleges, or state universities. Such development shall be carried out through a centrally coordinated and supervised effort.

Section 10. Prior to the distribution of any funds appropriated in the General Appropriations Act for the FEFP formula and for the formula-funded categorical programs, the Commissioner of Education shall conduct an allocation conference. Conference participants shall include representatives of the Department of Education, the Executive Office of the Governor, and the Appropriations Committees of the House of Representatives and Senate. Conference participants shall discuss and agree to all conventions (including rounding conventions) and methods of computation that will be used to calculate districts' FEFP and categorical entitlements for 1985-1986. These conventions and calculation methods shall remain in effect until further agreements are reached in subsequent allocation conferences called by the commissioner for that purpose. The commissioner shall also, prior to each recalculation of districts' FEFP and categorical allocations, provide conference participants with all data necessary to replicate those allocations precisely. This data shall include a matrix by district by program of all FTE changes made by the department as part of its administration of statewide FTE caps.

Section 11. Other statutory provisions to the contrary notwithstanding, alternative education programs funded in the General Appropriations Act include students as specified in s. 232.01(1)(d)2., Florida Statutes, who could benefit from a special class or program better suited to their special needs. Bilingual education programs shall not be considered within the definition of alternative education programs. Intensive English language instruction, however, may be provided for students whose native language is other than English. The provisions of s. 236.081(1)(c), Florida Statutes, to the contrary notwithstanding, the programs identified as Educational Alternatives and Educational Alternatives Mainstream shall be retitled Educational Alternatives/Intensive English and Educational Alternatives/Intensive English Mainstream, respectively, and the programs identified as Speech and Hearing Part-Time and Deaf shall be retitled Speech, Language, and Hearing Part-Time and Speech, Language, and Hearing, respectively.

Section 12. The provisions of s. 236.081, Florida Statutes, to the contrary notwithstanding, the following procedure shall be followed in determining the annual allocation to each district for operation:

(1) The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district.

(2) Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP.

(3) As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of three program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of all basic programs other than the programs in group 1, all exceptional child programs, and all vocational programs in grades 7-12. Group 3 shall be composed of all adult education programs.

(a) The weighted enrollment ceiling for group 2 and group 3 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program groups 2 and 3 shall be the sum of the weighted enrollment ceilings for each program in the program group.

(b) If, for any calculation of the FEFP, the weighted enrollment for either program group 2 or group 3, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

1. The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

2. If the difference calculated under subparagraph 1. is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

3. The reduction proportion calculated under subparagraph 2. shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under subparagraph 1.

4. The prorated reduction amount calculated under subparagraph 3. shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

5. For program groups 2 and 3, the weighted enrollment ceiling shall be a number not less than the number obtained by multiplying the sum of the FTE for all programs in the program group by 1.0 or by the program cost factors, whichever is less.

Section 13. (1) The Commissioner of Education shall conduct consensus enrollment estimating conferences under the assumption of current law and current administration for the State University System, the Community College System and the Public School System. These are truly consensus conferences. All participants shall agree on the conference estimates. The first of these conferences shall be held prior to November 1, 1985, with the Divisions of Public Schools, Vocational Education, Community Colleges, and Universities of the Department of Education; the Executive Office of the Governor; the House Appropriations Committee and Senate Appropriations Committee; and the Joint Legislative Management Committee's Economic and Demographic Research Unit, as participants. The department shall convene meetings of the Enrollment Estimating Conference as necessary or as requested by participants of the conference. The conference shall consider enrollment projections provided by any of the participants. For public schools, the Enrollment Estimating Conference shall submit its full-time equivalent student consensus estimate to the Legislature 1 month after the start of the legislative session. No conference estimates can be changed without the action of the full conference.

(2) For public schools, the conference's consensus agreement of enrollments based on initial projections shall be forwarded by the conference to districts not later than 2 months prior to the start of the annual legislative session. Each district may, in writing, request adjustments to the conference projections. Initial adjustment requests shall be submitted to the conference not later than 1 month prior to the start of the legislative session, and shall be considered by the participants of the Enrollment Estimating Conference. Districts may also request amendments to the initial adjustment request, in writing, during the first 3 weeks of the legislative session, which shall be considered by the participants of the Enrollment Estimating Conference. Using definitions adopted by the Enrollment Estimating Conference, all enrollment adjustments requested by the districts shall indicate and explain the components of anticipated enrollment changes that correspond to: continuation of current programs with workload changes; program involvement; program reduction or elimination; and initiation of new programs, as well as any other information that may be required by the Legislature.

Section 14. Notwithstanding any other provision of law, up to \$5,000,000 in surplus funds included in the Public Medical Assistance Trust Fund in the Department of Health and Rehabilitative Services shall be used for a one-time reimbursement to Jackson Memorial Hospital to partially offset the financial losses resulting from this facility's extraordinary amount of uncompensated care.

Section 15. The Department of Law Enforcement may deposit revenues received as a result of state or federal criminal proceedings into the Forfeiture and Investigative Support Trust Fund.

Section 16. The provisions of s. 216.011, Florida Statutes, notwithstanding, funds provided in any specific appropriation in the General Appropriations Act for fiscal year 1985-1986 may be advanced if the General Appropriations Act specifically so provides.

Section 17. All new facilities constructed pursuant to the General Appropriations Act requiring landscaping shall be landscaped using vegetation native to the State of Florida.

Section 18. Notwithstanding the provisions related to Specific Appropriation 41 of chapter 84-220, Laws of Florida, up to \$2,500 may be used by the Division of Retirement of the Department of Administration to reimburse burial expenses and construct an appropriate marker to recognize Nena Moseley Feagle as Florida's last Confederate widow. This section shall take effect upon this act becoming a law and shall expire and be void and inoperative after June 30, 1986.

Section 19. Chapter 84-290, Laws of Florida, is hereby repealed. The Department of Administration shall pay the monthly premium cost, plus any applicable penalty, for Part A Medicare coverage for each eligible retiree under the provisions of chapter 84-290, Laws of Florida, regardless of whether such person has already purchased such coverage. In addition, for those eligible retirees under the provisions of chapter 84-290, Laws of Florida, who are not as of July 1, 1985, enrolled in Medicare, Part A, the Department of Administration shall include them in the State Group Health Insurance Plan and pay full premium costs.

Section 20. Notwithstanding the provisions of s. 216.181, Florida Statutes, the Department of Corrections may not expend any of the funds provided in the General Appropriations Act from the Special Category Contract Education for any purpose other than to purchase educational services for inmates from accredited Florida educational institutions. Contract education services for inmates are for youthful, nonviolent offenders to be released in less than 5 years, to attain functional literacy, a marketable skill, and/or abilities to live in a law-abiding and democratic society. The contract shall be with a school district, community college, or licensed accredited private postsecondary educational institution in the Regional Coordinating Council's region where the correctional institution is located, or from another council's region at the mutual agreement of both council chairmen, and approval by proper authority when required. Contracts for these services shall show cost estimates, course titles, course description, number of inmate students to be served, total instructional hours per week per course, number of FTE per course, FTE unit cost, description, quantity, and cost of miscellaneous goods or services, and total cost of services with total FTE by program. The contract shall name the correctional institution and the educational provider.

(1) The educational provider shall agree to:

(a) Designate a liaison person;

(b) Give priority to hiring qualified adversely affected Department of Corrections educational personnel;

(c) Provide an educational package which includes counselor services for academic counseling; library services for functional literacy, marketable skills, and adjustment to society education programs; instruction by qualified instructors with mastery of course/skills being taught; and testing programs aimed at functional literacy, marketable skills, and democratic living, which parallel school district and community college testing programs;

(d) Arrange for qualified substitutes in the case of absence of the teacher;

(e) Require instructors to assume instructional responsibility for inmates in their classes;

(f) Provide the correctional institution's Education Program Manager with reports on inmate progress and performance;

(g) Coordinate teaching schedules that take into consideration the institution's inmate schedule;

(h) Comply with department written rules and reasonable directives, and local policies of the institution, regarding security and safety;

(i) Not discriminate against student inmates because of race, color, religion, sex, or national origin; and

(j) Submit education reports provided for in the contract.

(2) The correctional institute shall agree in the contract to:

(a) Provide an Education Program Manager and a secretary to coordinate the educational programs with the educational provider and the Regional Coordinating Council;



(b) Provide a sufficient number of properly selected eligible students for membership in each course;

(c) Provide institutional orientation for educational provider staff;

(d) Supply all classroom and shop laboratory facilities and standard utilities, including water, lights, phones, heat, and air conditioning;

(e) Provide the normal configuration of audio-visual equipment, as available, and incidentals such as chalk, erasers, photocopy services, student paper and pencils;

(f) Provide janitorial and maintenance services;

(g) Provide for the safety of all instructors;

(h) Provide adequate library services and clerical support; and

(i) Provide staff support and recordkeeping.

(3) The parties shall agree on other supplies, consumables, laboratory materials, and textbooks as necessary. Both parties shall agree that the Educational Program Manager is responsible for coordination of the education program and shall participate in selecting and evaluating instructional personnel sent in to serve the institutions and collaborate in developing operational procedures for efficient management of the education programs. The contract shall be signed by the superintendent of the correctional institution or his designee; the college president or school superintendent, whichever is appropriate, or his designee; the Educational Program Manager; and the educational provider's dean or director.

Section 21. For all contractual training needs, each agency shall first solicit state-funded educational institutions. If the educational institution cannot provide the training or if the training proposal is not cost-effective, the agency may then solicit other providers. All solicitations and responses shall be in writing, with a copy to the Bureau of Program Assistance in the Department of Administration.

Section 22. Pursuant to s. 215.3205(3)(a), Florida Statutes, the following trust funds shall not be abolished in fiscal year 1985-1986: In the Department of Legal Affairs, the Revolving Escrow Trust Fund; in the Department of Agriculture and Consumer Services, the Replacement Trust Fund and the Security Deposits Trust Fund; in the Department of Highway Safety and Motor Vehicles, the Motor Vehicle License Clearing Trust Fund, the License Tax Collection Trust Fund, the Replacement Trust Fund, the Revolving Trust Fund, the Security Deposits Trust Fund, the Highway Patrol Training Trust Fund, and the Highway Patrol Insurance Trust Fund; in the Department of Transportation, the Secondary Trust Fund, the Local Rail Service Assistance Trust Fund, the A.C.I. Revolving Trust Fund, and the Grants and Donations Trust Funds.

Section 23. Notwithstanding the provisions of chapter 420, Florida Statutes, an amount of \$1,500,000 from the Florida Housing Finance Agency Trust Fund shall revert and be transferred to the General Revenue Fund effective July 1, 1985.

Section 24. Notwithstanding any other provisions of law to the contrary, the amendments to ss. 228.041, 236.013, and 236.02, Florida Statutes, relating to extended day for grades 9-12, by sections 14, 15, and 16 of chapter 83-327, Laws of Florida, respectively; and sections appearing as ss. 228.085, 236.091, and 236.092, Florida Statutes, relating to mathematics, science, and computer education, created by sections 4, 5, and 6, of chapter 83-327, Laws of Florida, respectively; and sections appearing as s. 230.2319, Florida Statutes, relating to the Florida Progress in Middle Childhood Education Program, and s. 232.301, Florida Statutes, relating to model programs for the prevention of student failures and dropouts, created by sections 83 and 87 of chapter 84-336, Laws of Florida, respectively, shall be implemented only to the extent specifically provided for and funded in the General Appropriations Act.

Section 25. The proviso following Specific Appropriation 1555A in Chapter 84-220, Laws of Florida, is hereby repealed. Funds appropriated in Specific Appropriation 1555A shall be disbursed in advance to Broward County for the Broward County Performing Arts Center. The county shall keep the funds in escrow until the project is matched with at least \$25 million from local sources with a minimum amount from each of the following: The City of Fort Lauderdale - \$5 million; Broward County - \$5 million; the Downtown Development Authority - \$5 million; and the combination of revenue from bonds issued by the Performing Arts Center Authority and private donations aggregating in a total commitment of \$10 million. The Downtown Development Authority may use as part of

their match the value of the land obtained by that Authority for the Broward County Performing Arts Center. The county shall transfer the state funds advanced plus any interest income earned thereon to the Performing Arts Center Authority for the purpose of constructing the Broward County Performing Arts Center once the above-mentioned local match requirements are payable to the county or to the Performing Arts Center Authority for the construction of the Center or are held in escrow for the construction of the Center. The interest income on the state funds advanced may be expended for proper project expenses provided that: (i) the local match requirements from the City of Fort Lauderdale, Broward County and the Downtown Development Authority are paid or payable as indicated above on or before January 15, 1986; (ii) that local match requirements from private donations in the minimum amount of \$3.5 million be paid or be evidenced by commitments to be paid by January 15, 1987; and (iii) that the balance of the local match requirements from bonds or private donations in the minimum amount of \$6.5 million be paid or be evidenced by commitments to be paid by January 15, 1988. Private donations hereunder may be made in any form of property, real or personal tangible or intangible. If any of the above-mentioned local match requirements are not paid as above set forth by the dates indicated above, then all state funds advanced plus any interest income earned thereon shall be immediately returned and revert to the General Revenue Fund unallocated.

Section 26. Notwithstanding the provisions of s. 240.35, community college district boards of trustees may assess up to \$1.00 per credit hour for operating capital outlay purposes during the 1985-86 academic year. Such assessments shall not be counted as part of the student fee revenues generated pursuant to the General Appropriations Act.

Section 27. Except as otherwise provided herein, this act shall take effect July 1, 1985, and shall expire and be void and inoperative after June 30, 1986.

#### Amendment 2—Strike the entire title and insert:

A bill to be entitled An act relating to state government; implementing and administering the General Appropriations Act for fiscal year 1985-1986; providing authority for the Administration Commission to approve certain transfers related to reorganization; providing that with specified exceptions, automobiles purchased or leased by the state shall be of the subcompact class; restricting the price at which vehicles may be purchased; restricting lease or installment purchase of vehicles, machines, and equipment by the executive or judicial branches unless approved by the Comptroller; restricting expenditure of certain funds available as a result of litigation against oil companies and refineries; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of said restrictions; authorizing school districts to contract with nonpublic residential schools for educational programs not otherwise available, and providing conditions, eligibility, and funding with respect thereto; requiring school districts, community colleges, and the Board of Regents to secure prior approval from the Commissioner of Education for certain purchases of electronic data processing equipment; requiring the Commissioner of Education to conduct an allocation conference prior to distribution of FEFP formula funds; providing for inclusion of certain students in educational alternative programs; retitling certain educational programs; modifying procedures for determining annual allocations to school districts; providing for establishment of enrollment ceilings by program groups; directing the Commissioner of Education to conduct certain enrollment estimating conferences and to report the results thereof; providing for disposition of surplus general revenue included in the Public Medical Assistance Trust Fund in the Department of Health and Rehabilitative Services; providing for deposit of certain revenues received by the Department of Law Enforcement into the Forfeiture and Investigative Support Trust Fund; providing for advance of funds in any specific appropriation under certain conditions; requiring new facilities constructed pursuant to the General Appropriations Act to be landscaped using native vegetation; authorizing use of certain funds by the Department of Administration to reimburse burial expenses and construct a marker for Florida's last Confederate widow; repealing chapter 84-290, Laws of Florida, relating to health care coverage for certain retirees under state-administered retirement systems; providing that the Department of Administration shall pay for certain Medicare coverage for eligible retirees under said chapter or, under certain circumstances, pay for enrollment of such persons in the State Group Health Insurance Plan; restricting use of Special Category Contract Education funds of the Department of Corrections; specifying contents of contracts; providing procedures for



state agencies with respect to solicitation for contractual training needs; continuing the existence of certain trust funds in the Departments of Legal Affairs, Agriculture and Consumer Services, Highway Safety and Motor Vehicles, and Transportation; providing for reversion and transfer of certain funds from the Florida Housing Finance Agency Trust Fund to the General Revenue Fund; restricting implementation and funding of provisions relating to extension of the school day for grades 9-12, mathematics, science, and computer education, the Florida Progress in Middle Childhood Education Program, and model programs for the prevention of student failures and dropouts; providing community college district boards of trustees with discretionary fee-assessments for operating capital outlay; providing effective and expiration dates.

On motions by Senator Jenne, the Senate refused to concur in the House amendments and the House was requested to recede and in the event the House refused to recede a conference committee was requested.

The President appointed Senators Neal, Thomas, Gordon, Beard, Castor, Kirkpatrick, Peterson, Mann, Fox, Langley; and alternates Senators Jenne, Hair, Grizzle and Stuart. The action of the Senate was certified to the House.

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

**CS for SB 489**—A bill to be entitled An act relating to child care; amending s. 39.12, F.S.; prohibiting the destruction of records pertaining to children charged with committing certain delinquent acts with respect to the provision of care to minors or persons with developmental disabilities; providing for the sealing of such records and for their use; amending s. 110.1127, F.S.; providing conditions for disqualification from employment in certain child care programs; requiring security background investigations; requiring fingerprinting; providing a penalty; amending s. 393.062, F.S.; providing legislative intent; amending s. 393.063, F.S.; providing definitions; creating s. 393.0655, F.S.; establishing of minimum standards as to moral character for persons who work with or are likely to come into contact with persons who have developmental disabilities; providing that such standards shall ensure that no such person has been found guilty of certain crimes; providing for exemption from disqualification from employment; providing for the submission of fingerprints; providing for payment of processing costs; providing for denial, suspension, and revocation of licenses; providing for administrative hearings; amending s. 393.066, F.S.; requiring day care service facilities to ensure minimum character standards are met; amending s. 393.067, F.S.; providing for submission and processing of fingerprints; amending s. 393.0673, F.S.; providing penalties; creating s. 393.0674, F.S.; providing penalties; amending s. 394.453, F.S.; providing legislative intent; amending s. 394.455, F.S.; providing definitions; amending s. 394.457, F.S.; establishing minimum standards as to moral character for mental health personnel and volunteers; providing that such standards shall ensure that no such person has been found guilty of certain crimes; providing for exemption from disqualification from employment; providing for the submission of fingerprints; providing for payment of processing costs; providing for termination of employment for personnel who are not in compliance; providing for administrative hearings; providing penalties; amending s. 396.032, F.S.; providing definitions; amending s. 396.042, F.S.; providing for fingerprinting and background checks of alcoholism treatment personnel who work with, and of persons who are likely to come into contact with, certain minors; providing for submission of lists of such persons to the Department of Health and Rehabilitative Services; requiring that the alcohol treatment resource terminate the employment of any employee who is found to be in noncompliance with certain standards of good moral character; creating s. 396.0425, F.S.; establishing minimum standards as to good moral character for such persons; providing that such standards shall ensure that no such person has been found guilty of certain crimes; providing for exemption from disqualification from employment; providing for the submission of fingerprints; providing for payment of processing costs; providing for denial or termination of employment under certain circumstances; providing for administrative hearings; creating s. 396.0427, F.S.; providing penalties; amending s. 397.021, F.S.; providing definitions; amending s. 397.031, F.S.; requiring the Department of Health and Rehabilitative Services to ensure that persons who work with or who are likely to come in contact with minors being treated for drug abuse meet minimum standards for good moral character; creating s. 397.0715, F.S.; providing that such standards shall ensure that no such person has been found guilty of certain crimes; providing for exemption from disqualification from employment; providing for fingerprinting;

providing for payment of processing costs; providing for termination of employment for persons not in compliance; creating s. 397.0716, F.S.; providing penalties; amending s. 397.081, F.S.; requiring fingerprints as a prerequisite to issuance of a license; amending s. 397.091, F.S.; requiring fingerprinting; amending s. 402.302, F.S.; providing definitions; amending s. 402.305, F.S.; providing that minimum standards for persons who work with or who are likely to come in contact with children in day care or other child care facilities shall ensure that such persons have not been found guilty of certain crimes; providing for exemption from disqualification from employment; prescribing minimum age requirements and minimum training requirements; prescribing minimum standards for child discipline and plan of activities; amending s. 402.3055, F.S.; prescribing requirements for licensure and renewal; requiring fingerprints; providing for payment of processing costs; providing for denial, suspension, and revocation of licenses; amending s. 402.308, F.S.; providing for denial of license when personnel fail the required screening; amending s. 402.309, F.S.; prohibiting the issuance of provisional licenses under certain circumstances; amending s. 402.313, F.S.; requiring registration of family day care homes; providing for screening of persons associated with such homes; amending s. 402.314, F.S.; conforming language; amending s. 402.315, F.S.; prescribing local funding requirements; amending s. 402.316, F.S.; limiting exemptions from licensure; amending s. 402.319, F.S.; prescribing penalties; creating s. 402.3195, F.S.; creating the Child Care Facility Trust Fund; establishing a loan program for expansion of existing child care facilities and establishment of new child care facilities; providing for issuance of requests for proposals; specifying conditions for loan agreements; authorizing adoption of rules; requiring an annual report; providing an expiration date; amending s. 409.175, F.S.; providing definitions; providing for screening of personnel of family foster homes, residential child-caring agencies or summer or recreation camps, and child-placing agencies; providing for exemption from disqualification from employment; requiring the department to issue a license to a family foster home which has been certified by a licensed child placing agency; requiring fingerprinting and criminal records checks of personnel prior to issuance or renewal of a license; providing a penalty; providing for costs; providing for denial, suspension, or revocation of license; providing for denial or termination of employment; providing procedures; requiring inspection by local county health unit only when called for by the licensing study; providing for injunction to terminate operation of a summer or recreation camp; providing a penalty for unlawful operation thereof; amending s. 409.176, F.S.; conforming provisions relating to registration of residential child-caring agencies; amending s. 415.504, F.S.; requiring notice of completion of investigation of reports of child abuse or neglect and of the classification of such report; deleting the requirement for the expunction of information in the abuse registry; providing procedures for the expunction of information; creating s. 415.5095, F.S.; requiring the Department of Health and Rehabilitative Services to adopt a model plan; amending s. 415.51, F.S.; providing for a search of abuse registry records and providing for notice thereof; amending s. 959.225, F.S.; prohibiting the expungement of certain records relating to certain delinquent acts; providing for the release of certain information contained in such records; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 6, line 18, through page 102, line 23, strike all of said lines and insert the following:

Section 1. Present subsection (3) of section 39.12, Florida Statutes, is renumbered as subsection (4), present subsection (4) of said section is renumbered as subsection (5) and amended, present subsections (5), (6), and (7) are renumbered as subsections (6), (7), and (8), respectively, and new subsection (3) is added to said section to read:

**39.12 Oaths; records; confidential information.—**

(3) *Records maintained by the department, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime as specified in ss. 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 402.305(1), 409.175, and 409.176 shall not be destroyed pursuant to this section except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any purpose other than one which is authorized.*

(4)(3) The clerk shall keep all official records required by this statute separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. All official records required by this act shall not be open to inspection by the public. All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents or legal custodians of the child and their attorneys, law enforcement agencies, the department and its designees, the Parole and Probation Commission, and the Department of Corrections shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.

(5)(4) Except as provided in subsections (3) and (8) ~~subsection (7)~~, all information obtained pursuant to this chapter in the discharge of official duty by any judge, any employee of the court, any authorized agent of the department, the Parole and Probation Commission, the Department of Corrections, or any law enforcement agent shall be confidential and shall not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, the Department of Corrections, the Parole and Probation Commission, law enforcement agents, and others entitled under this chapter to receive that information, except upon order of the court.

(6)(5) All orders of the court entered pursuant to this chapter shall be in writing and signed by the judge, except that the clerk or deputy clerk may sign a summons or notice to appear.

(7)(6) No court record of proceedings under this chapter shall be admissible in evidence in any other civil or criminal proceeding, except that:

(a) Orders transferring a child for trial as an adult shall be admissible in evidence in the court in which he is tried, but shall create no presumption as to the guilt of the child; nor shall the same be read to, or commented upon in the presence of, the jury in any trial.

(b) Orders binding an adult over for trial on a criminal charge, made by the judge as a committing magistrate, shall be admissible in evidence in the court to which the adult is bound over.

(c) Records of proceedings under this chapter forming a part of the record on appeal shall be used in the appellate court in the manner hereinafter provided.

(d) Records necessary therefor shall be admissible in evidence in any case in which a person is being tried upon a charge of having committed perjury.

(8)(7) The provisions of this chapter shall not be construed to prohibit the publication of the name and address of a child who is alleged to have committed a violation of law. Any other provisions of this chapter to the contrary notwithstanding, a law enforcement agency may release for publication the name and address of a child taken into custody if the child is 16 years of age or older and has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony or the name and address of any child 16 years of age or older who has been found by a court to have committed at least three or more violations of law which, if committed by an adult, would be misdemeanors.

Section 2. Subsections (3) and (4) of section 110.1127, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and a new subsection (3) is added to said section to read:

110.1127 Employee security checks.—

(3)(a) Within the Department of Health and Rehabilitative Services, all positions in programs providing care to children for 15 hours or more per week are deemed to be positions of special trust or responsibility, and a person shall be disqualified for employment in any such position by reason of:

1. Having been found guilty of, regardless of adjudication, or having entered a plea of *nolo contendere* or guilty to, any felony prohibited under any of the following provisions of the Florida Statutes or under similar statutes of other jurisdictions:

- a. Section 782.04, relating to murder.
- b. Section 782.07, relating to manslaughter.
- c. Section 782.071, relating to vehicular homicide.
- d. Section 782.09, relating to killing of an unborn child by injury to the mother.
- e. Section 784.011, relating to assault, if the victim of the offense was a minor.
- f. Section 784.021, relating to aggravated assault.
- g. Section 784.03, relating to battery, if the victim of the offense was a minor.
- h. Section 784.045, relating to aggravated battery.
- i. Section 787.01, relating to kidnapping.
- j. Section 787.02, relating to false imprisonment.
- k. Section 787.04, relating to removing children from the state or concealing children contrary to court order.
- l. Section 794.011, relating to sexual battery.
- m. Section 794.041, relating to prohibited acts of persons in familial or custodial authority.
- n. Chapter 796, relating to prostitution.
- o. Section 798.02, relating to lewd and lascivious behavior.
- p. Chapter 800, relating to lewdness and indecent exposure.
- q. Section 806.01, relating to arson.
- r. Section 812.13, relating to robbery.
- s. Section 826.04, relating to incest.
- t. Section 827.03, relating to aggravated child abuse.
- u. Section 827.04, relating to child abuse.
- v. Section 827.05, relating to negligent treatment of children.
- w. Section 827.071, relating to sexual performance by a child.
- x. Section 827.09, relating to abuse, neglect, or exploitation of aged or disabled persons.
- y. Chapter 847, relating to obscene literature.
- z. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony or if any other person involved in the offense was a minor; or

2. Having had a finding of delinquency or having entered a plea of *nolo contendere* or a plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of other jurisdictions, for any of the foregoing acts, regardless of adjudication or disposition. For the purposes of this subsection, such a finding or plea has the same effect as a finding of guilt; or

3. Having been judicially determined to have committed abuse against a child as defined in s. 39.01(2) and (7) or to have a substantiated indicated report of abuse as defined in s. 415.503 or to have committed an act which constitutes domestic violence as defined in s. 741.30. For misdemeanors prohibited under any of the foregoing Florida Statutes or under similar statutes of other jurisdictions or for judicial determinations of abuse, substantiated indicated reports of abuse, or commissions of domestic violence used for disqualification of a person from working with children, the department may grant an exemption from such a disqualification if the department has clear and convincing evidence to support a reasonable belief that the person is of good character as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of children. The decision of the department regarding an exemption may be contested through the hearing procedures set forth in chapter 120.

(b) All employees in such positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of this subsection, security background investigations shall include, but not be limited to, employment history checks, checks of references, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this paragraph, statewide criminal records checks through the Department of Law Enforcement, federal criminal records checks through the Federal Bureau of Investigation, and abuse registry clearance.

(c) After July 1, 1985, all new employees shall submit a complete set of fingerprints to the department for processing pursuant to subsection (5) within 5 working days after beginning work.

(d) During fiscal year 1985-1986, employees of the department working in programs which provide care to children for 15 hours or more per week shall submit a complete set of fingerprints to the department for processing pursuant to subsection (5).

(e) Under the penalty of perjury, all employees in such positions of trust or responsibility shall attest to meeting the requirements for qualifying for employment

Section 3. Section 393.062, Florida Statutes, is amended to read:

393.062 Legislative findings and declaration of intent.—The Legislature finds and declares that existing state programs for the treatment of retarded and other developmentally disabled individuals, which often unnecessarily place clients in large state institutions, are unreasonably costly, are ineffective in bringing the individual client to his or her maximum potential, and are in fact debilitating to a great majority of clients. A redirection in state treatment programs for the retarded and other developmentally disabled individuals is necessary if any significant amelioration of the problems faced by such individuals is ever to take place. Such redirection should place primary emphasis on programs that have the potential to prevent or reduce the severity of retardation and other developmental disabilities. Further, the Legislature declares that greatest priority shall be given to the development and implementation of community-based residential placements, services, and treatment programs for the retarded and other developmentally disabled individuals which will enable such individuals to achieve their greatest potential for independent and productive living, which will enable them to live in their own homes or in facilities located in their own communities, and which will permit clients to be diverted or removed from unnecessary institutional placements. Finally, The Legislature declares that, in developing community-based programs and services for retarded and other developmentally disabled individuals, private businesses, not-for-profit corporations, units of local government, and other organizations capable of providing needed services to clients in a cost-efficient manner shall be given preference in lieu of operation of programs directly by state agencies. Finally, it is the intent of the Legislature that all caretakers unrelated to developmentally disabled individuals receiving care shall be of good moral character.

Section 4. Subsection (1) of section 393.063, Florida Statutes, is amended, present subsection (24) is renumbered as subsection (25), and a new subsection (24) is added to said section to read:

393.063 Definitions.—For the purposes of this chapter:

(1) "Caretaker" means a person 18 years of age or older who is a relative of the client, a person unrelated to the client, or the client himself, who provides a client with the type and level of care intended by this act. For purposes of screening as required in s. 393.0655, the term includes only caretakers in a day facility or residential facility who are unrelated to the client, including any member, over the age of 12 years, of the caretaker's family, or person other than a client, over the age of 12 years, residing with the caretaker in a day facility or residential facility if the facility is located in or adjacent to the home of the caretaker or if the family member of, or person residing with, the caretaker has any direct contact with the client in the facility during its hours of operation. Members of the caretaker's family, or persons residing with the caretaker, who are between the ages of 12 years and 18 years shall not be required to be fingerprinted, but shall be screened for delinquency records. A volunteer who assists on an intermittent basis for less than 40 hours per month is not a "caretaker" for the purposes of screening, if the volunteer is under direct and constant supervision by persons who meet the personnel requirements of s. 393.0655.

(24) "Screening" means the act of assessing the background of caretakers unrelated to developmentally disabled clients and includes, but is not limited to, employment history checks, checks of references, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, federal criminal records checks through the Federal Bureau of Investigation, and abuse registry clearance.

Section 5. Section 393.0655, Florida Statutes, is created to read:

393.0655 Screening of caretakers.—

(1) MINIMUM STANDARDS.—The department shall establish minimum standards as to good moral character, based on screening, for caretakers who are unrelated to the client. Such minimum standards for screening shall ensure that no caretaker unrelated to the client has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any felony prohibited under any of the following provisions of the Florida Statutes or under similar statutes of other jurisdictions:

- (a) Section 782.04, relating to murder.
- (b) Section 782.07, relating to manslaughter.
- (c) Section 782.071, relating to vehicular homicide.
- (d) Section 782.09, relating to killing of an unborn child by injury to the mother.
- (e) Section 784.021, relating to aggravated assault.
- (f) Section 784.045, relating to aggravated battery.
- (g) Section 787.01, relating to kidnapping.
- (h) Section 787.02, relating to false imprisonment.
- (i) Section 787.04, relating to removing children from the state or concealing children contrary to court order.
- (j) Section 794.011, relating to sexual battery.
- (k) Section 794.041, relating to prohibited acts of persons in familial or custodial authority.
- (l) Chapter 796, relating to prostitution.
- (m) Section 798.02, relating to lewd and lascivious behavior.
- (n) Chapter 800, relating to lewdness and indecent exposure.
- (o) Section 806.01, relating to arson.
- (p) Section 812.13, relating to robbery.
- (q) Section 826.04, relating to incest.
- (r) Section 827.03, relating to aggravated child abuse.
- (s) Section 827.04, relating to child abuse.
- (t) Section 827.05, relating to negligent treatment of children.
- (u) Section 827.071, relating to sexual performance by a child.
- (v) Section 827.09, relating to abuse, neglect, or exploitation of aged or disabled persons.
- (w) Chapter 847, relating to obscene literature.
- (x) Section 784.011, relating to assault, if the victim of the offense was a minor.
- (y) Section 784.03, relating to battery, if the victim of the offense was a minor.
- (z) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony or if any other person involved in the offense was a minor.

For purposes of this subsection, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of other jurisdictions, for any of the foregoing acts, has the same effect as a finding of guilt, regardless of adjudication or disposi-

tion. Such standards for screening shall also ensure that the person has not been judicially determined to have committed abuse against a child as defined in s. 39.01(2) and (7) or to have a substantiated indicated report of abuse as defined in s. 415.503 or to have committed an act which constitutes domestic violence as defined in s. 741.30. For misdemeanors prohibited under any of the foregoing Florida Statutes or under similar statutes of other jurisdictions or for judicial determinations of abuse, substantiated indicated reports of abuse, or commissions of domestic violence used for disqualification of a person from working with children, the department may grant an exemption from such a disqualification if the department has clear and convincing evidence to support a reasonable belief that the person is of good character as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of children. The decision of the department regarding an exemption may be contested through the hearing procedures set forth in this section.

(2) **REQUIREMENTS FOR CARETAKERS.—**

(a) After January 1, 1986, a caretaker of a day facility or residential facility shall, within 5 working days after starting to work at the facility, submit to the facility for submission, within 48 hours, to the department, a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation. The department shall review the record of the person being screened with respect to the crimes contained in this section and shall notify the facility of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

(b) Under the penalty of perjury, such caretaker shall attest to compliance with the minimum standards for good moral character as contained in this section.

(c) New caretakers shall be on probationary status pending a determination of compliance with minimum standards for good moral character. Such new caretakers found to be in noncompliance shall be automatically terminated from employment by the facility.

(d) The department, upon request of a facility, shall provide written assurance of compliance with this section for new caretakers who have been fingerprinted and screened for the facility at which they previously worked. However, if the person has been unemployed for more than 60 days, screening shall be required.

(3) **PAYMENT FOR PROCESSING OF FINGERPRINTS AND STATE CRIMINAL RECORDS CHECKS.—**The costs of processing fingerprints and the state criminal records checks shall be borne by the facility or the caretaker who is being screened.

(4) **EXCLUSION FROM OWNING, OPERATING, OR BEING EMPLOYED BY A DAY FACILITY OR RESIDENTIAL FACILITY; HEARINGS PROVIDED.—**

(a) The department shall deny, suspend, or revoke a license or pursue other remedies provided in s. 393.0673, s. 393.0675, or s. 393.0678 in addition to or in lieu of denial, suspension, or revocation for failure to comply with this section.

(b) When the department has reasonable cause to believe that grounds for denial or termination of employment exist, it shall notify, in writing, the facility and the caretaker affected, stating the specific record which indicates noncompliance with the standards in this section.

(c) The procedures established for hearing under chapter 120 shall be available to the facility and the caretaker affected who is hired on a permanent basis and is not on probationary status, in order to present evidence relating either to the accuracy of the basis of exclusion or to the denial of an exemption from disqualification.

(d) The department shall provide for procedures for contesting the accuracy of the records used as the basis of expulsion for those employees not covered by paragraph (c).

(e) Refusal on the part of a facility to dismiss a caretaker who has been found to be in noncompliance with standards of this section shall result in automatic denial or revocation of the license in addition to any other remedies pursued by the department.

Section 6. Section 393.066, Florida Statutes, 1984 Supplement, is amended to read:

393.066 Community services and treatment for the retarded and other developmentally disabled.—

(1) The Department of Health and Rehabilitative Services shall plan, develop, organize, and implement its programs of services and treatment for the retarded and other developmentally disabled persons along district lines. The goal of such programs shall be to allow clients to live as independently as possible in their own homes or communities and to achieve productive lives as close to normal as possible.

(2) All programs of services and treatment for clients shall be administered through the districts and shall serve all clients regardless of the type of residential setting in which the client lives. In addition, all purchased services shall be approved by the district.

(3) All services needed shall be purchased instead of provided directly by the department, when such arrangement is more cost-efficient, in accordance with s. 20.19(14).

(4) Community-based services shall, to the extent of available resources, include:

- (a) Day care services.
- (b) Respite care services.
- (c) Medical care services.
- (d) Recreation.
- (e) Physical therapy.
- (f) Training, including developmental training.
- (g) Social services.
- (h) Parent training.
- (i) Other habilitative and rehabilitative services as needed.

(5) The department shall utilize the services of private businesses, not-for-profit organizations, and units of local government whenever such services are more cost-efficient than such services provided directly by the department, including arrangements for provision of residential facilities.

(6) In order to improve the potential for utilization of more cost-effective, community-based residential facilities, the department shall promote the statewide development of day care services for clients who have regular places of domicile and who do not require 24-hour-a-day care in a hospital or other health care institution, but who may, in the absence of day care services, require admission to a major state retardation facility. Each day care service facility shall provide a protective physical environment for clients, ensure during calendar year 1986 that existing caretakers meet the minimum standards for good moral character as contained in s. 393.0655, make available to all day care service participants at least one meal on each day of operation, provide facilities to enable participants to obtain needed rest while attending the program, and provide social and educational activities designed to stimulate interest and provide socialization skills.

(7) For the purpose of making needed community-based residential facilities available at the least possible cost to the state, the department is authorized to lease privately owned residential facilities under long-term rental agreements, if such rental agreements are projected to be less costly to the state over the useful life of the facility than state purchase or state construction of such a facility. In addition, the department is authorized to permit, on any public land to which the department holds the lease, construction of a residential facility for which the department has entered into a long-term rental agreement as specified in this subsection.

(8) Subject to the provisions of s. 393.001(8) and the provisions of chapter 216, the department is responsible for the receipt of funds under Pub. L. No. 95-602, the Developmentally Disabled Assistance and Bill of Rights Act, and for the expenditure of such funds.

Section 7. Section 393.067, Florida Statutes, is amended to read:

393.067 Licensure of residential facilities.—

(1) An application for a license for a residential facility shall be made to the Department of Health and Rehabilitative Services on a form furnished by it and shall be accompanied by the appropriate license fee.

(2) The application shall be under oath and shall contain the following:

(a) The name and address of the applicant, if an individual; if the applicant is a firm, partnership, or association, the name and address of each member thereof; if the applicant is a corporation, its name and address and the name and address of each director and each officer thereof; and the name by which the facility is to be known.

(b) The location of the facility for which a license is sought.

(c) The name of the person or persons under whose management or supervision the facility will be conducted.

(d) The number and type of residents for which maintenance, care, or treatment is to be provided by the facility.

(e) A description of the types of services and treatment to be provided by the facility.

(f) Information relating to the number, experience, and training of the employees of the facility ~~and to the moral character of the applicant and employees.~~

(g) Such other information as the department determines necessary to carry out the provisions of this chapter.

(3) The applicant shall submit evidence which establishes the good moral character of the applicant, ~~and of the manager or supervisor of the facility, and the caretakers in the facility.~~

(a)1. As a prerequisite to the renewal during calendar year 1986 of an existing residential facility license, the applicant for licensure shall submit to the department a complete set of fingerprints, taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints, for all caretakers at the applicant facility. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation. The department shall review the records of the caretakers at the applicant facility with respect to the crimes contained in s. 393.0655(1) and shall notify the facility of its finding. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

2. After January 1, 1987, a licensed residential facility which applies for renewal of its license shall submit to the department a list of caretakers who have worked on a continuous basis at the applicant facility since submitting fingerprints to the department, identifying those caretakers who have recently begun working at the facility and are awaiting the results of the required fingerprint check along with the date of the submission of those fingerprints for processing. The department shall by rule determine the frequency of requests to the Department of Law Enforcement to run state criminal records checks for such caretakers except for those caretakers awaiting the results of initial fingerprint checks for employment at the applicant facility. The department shall review the records of the caretakers at the applicant facility with respect to the crimes contained in s. 393.0655(1) and shall notify the facility of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

3. Prior to renewal of a license during calendar year 1986, the applicant shall sign an affidavit under penalty of perjury stating that all caretakers at the applicant facility at the time of license renewal have been fingerprinted pursuant to this section. After January 1, 1987, the applicant shall sign an affidavit under penalty of perjury stating that

all new caretakers have been fingerprinted and that the facility's remaining caretakers have worked at the applicant facility on a continuous basis since being initially screened at that facility.

(b) After January 1, 1986, as a prerequisite for issuance of the initial license to a residential facility:

1. The applicant shall submit to the department a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints, for the manager or supervisor of the facility;

2. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation; and

3. The department shall review the record of the manager or supervisor with respect to the crimes contained in s. 393.0655(1) and shall notify the applicant of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the manager or supervisor, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

(4) The applicant shall furnish satisfactory proof of financial ability to operate and conduct the facility in accordance with the requirements of this chapter and all rules promulgated hereunder.

(5) The department shall promulgate rules establishing minimum standards for licensure for residential facilities, including minimum standards of quality and adequacy of care and uniform fire safety standards established by the State Fire Marshal which are appropriate to the size of the facility.

(6) The department may conduct unannounced inspections to determine compliance by residential facilities with the provisions of this chapter and the rules adopted pursuant thereto. The facility shall make copies of inspection reports available to the public upon request.

(7) Each residential facility licensed by the department shall forward annually to the department a true and accurate sworn statement of its costs of providing care.

(8) The department may audit the records of any residential facility which it has reason to believe may not be in full compliance with the provisions of this section.

(9) The department shall establish, for the purpose of control of costs, a uniform management information system and a uniform reporting system with uniform definitions and reporting categories.

Section 8. Section 393.0673, Florida Statutes, is amended to read:

393.0673 Denial, suspension, revocation of license; moratorium on admissions; administrative fines; procedures.—

(1) The Department of Health and Rehabilitative Services may deny, revoke, or suspend a license or impose an administrative fine, not to exceed \$500 per violation per day, for a violation of any provision of s. 393.0655 or s. 393.067 or rules promulgated pursuant thereto. All hearings shall be held within the county in which the licensee or applicant operates or applies for a license to operate a facility as defined herein.

(2) The department, as a part of any final order issued by it under the provisions of this chapter, may impose such fine as it deems proper, except that such fine may not exceed \$500 for each violation. Each day a violation of this chapter occurs constitutes a separate violation and is subject to a separate fine, but in no event may the aggregate amount of any fine exceed \$5,000. Fines paid by any facility licensee under the provisions of this subsection shall be deposited in the Patient Protection Trust Fund and expended as provided in s. 400.063.

(3) The department may issue an order immediately suspending or revoking a license when it determines that any condition in the facility presents a danger to the health, safety, or welfare of the residents in the facility.

(4) The department may impose an immediate moratorium on admissions to any facility when the department determines that any condition in the facility presents a threat to the health, safety, or welfare of the residents in the facility.

Section 9. Section 393.0674, Florida Statutes, is created to read:

## 393.0674 Penalties.—

(1) It shall be a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to:

(a) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to such person's qualifications to be a caretaker;

(b) Operate or attempt to operate a day facility or a residential facility with caretakers who are in noncompliance with the minimum standards for good moral character as contained in this chapter; or

(c) Use records information for purposes other than screening for employment as specified in ss. 393.0655, 393.066, and 393.067 or release such information to other persons for purposes other than screening for employment as specified in those sections.

(2) It shall be a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use juvenile records information for any purposes other than specified in ss. 393.0655, 393.066, and 393.067 or to release such information to other persons for purposes other than specified in those sections.

Section 10. Subsection (3) is added to section 394.453, Florida Statutes, 1984 Supplement, to read:

## 394.453 Legislative intent; responsibilities of department.—

(3) It is the intent of the Legislature that all mental health personnel working in public or private mental health programs and facilities who have direct contact with unmarried patients under the age of 18 years shall be of good moral character.

Section 11. Subsections (20) and (21) are added to section 394.455, Florida Statutes, 1984 Supplement, to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(20) "Mental health personnel" includes all program directors, professional clinicians, staff members, and volunteers working in public or private mental health programs and facilities who have direct contact with unmarried patients under the age of 18 years. Students in the health care professions who are interning in a mental health facility licensed under chapter 395, where the primary purpose of the facility is not the treatment of minors, shall be exempt from the fingerprinting and screening requirements, provided they are under actual physical presence supervision of a licensed health care professional. Mental health personnel working in a facility licensed under chapter 395, who have less than 15 hours per week direct contact with such patients or who are health care professionals licensed by the Department of Professional Regulation or a board thereunder, are exempt from the fingerprinting and screening requirements, except for those persons in mental health facilities where the primary purpose of the facility is the treatment of minors. A volunteer who assists on an intermittent basis for less than 40 hours per month is not included in the term "personnel" for the purposes of screening, if the volunteer is under direct and constant supervision by persons who meet the screening requirements of s. 394.457(6).

(21) "Screening" means the act of assessing the background of mental health personnel and includes, but is not limited to, employment history checks, checks of references, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, federal criminal records checks through the Federal Bureau of Investigation, and abuse registry clearance.

Section 12. Present subsections (6), (7), (8), and (9) of section 394.457, Florida Statutes, 1984 Supplement, are renumbered as subsections (7), (8), (9), and (10), respectively, and a new subsection (6) is added to said section to read:

## 394.457 Operation and administration.—

## (6) SCREENING OF MENTAL HEALTH PERSONNEL.—

(a) The department shall establish minimum standards as to good moral character, based on screening, for mental health personnel. Such minimum standards for screening shall ensure that no mental health personnel have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any felony prohibited under any of the following provisions of the Florida Statutes or under similar statutes of other jurisdictions:

1. Section 782.04, relating to murder.
2. Section 782.07, relating to manslaughter.
3. Section 782.071, relating to vehicular homicide.
4. Section 782.09, relating to killing of an unborn child by injury to the mother.
5. Section 784.021, relating to aggravated assault.
6. Section 784.045, relating to aggravated battery.
7. Section 787.01, relating to kidnapping.
8. Section 787.02, relating to false imprisonment.
9. Section 787.04, relating to removing children from the state or concealing children contrary to court order.
10. Section 794.011, relating to sexual battery.
11. Section 794.041, relating to prohibited acts of persons in familial or custodial authority.
12. Chapter 796, relating to prostitution.
13. Section 798.02, relating to lewd and lascivious behavior.
14. Chapter 800, relating to lewdness and indecent exposure.
15. Section 806.01, relating to arson.
16. Section 812.13, relating to robbery.
17. Section 826.04, relating to incest.
18. Section 827.03, relating to aggravated child abuse.
19. Section 827.04, relating to child abuse.
20. Section 827.05, relating to negligent treatment of children.
21. Section 827.071, relating to sexual performance by a child.
22. Section 827.09, relating to abuse, neglect, or exploitation of aged or disabled persons.
23. Chapter 847, relating to obscene literature.
24. Section 784.011, relating to assault, if the victim of the offense was a minor.
25. Section 784.03, relating to battery, if the victim of the offense was a minor.
26. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony or if any other person involved in the offense was a minor.

For purposes of this subsection, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of other jurisdictions, for any of the foregoing acts, has the same effect as a finding of guilt, regardless of adjudication or disposition. Such standards for screening shall also ensure that the person has not been judicially determined to have committed abuse against a child as defined in s. 39.01(2) and (7) or to have a substantiated indicated report of abuse as defined in s. 415.503 or to have committed an act which constitutes domestic violence as defined in s. 741.30. For misdemeanors prohibited under any of the foregoing Florida Statutes or under similar statutes of other jurisdictions or for judicial determinations of abuse, substantiated indicated reports of abuse, or commissions of domestic violence used for disqualification of a person from working with children, the department may grant an exemption from such a disqualification if the department has clear and convincing evidence to support a reasonable belief that the person is of good character as to justify an exemption. The person shall bear the burden of setting forth



sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of children. The decision of the department regarding an exemption may be contested through the hearing procedures set forth in this section.

(b) The department shall ensure that mental health personnel meet the minimum standards for good moral character as contained in this section.

1. During calendar year 1986, each public or private mental health program and facility shall submit to the department a complete set of fingerprints, taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints, for all mental health personnel working at the program or facility at that time. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation. The department shall review the records of the mental health personnel at the program or facility with respect to the crimes contained in this section and shall notify the program or facility of its finding. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

2. After January 1, 1987, each private or public mental health program and facility shall submit to the department a list of mental health personnel who have worked on a continuous basis at the program or facility since submitting fingerprints to the department, identifying those mental health personnel who have recently begun working at the program or facility and are awaiting the results of the required fingerprint check along with the date of the submission of those fingerprints for processing. The department shall by rule determine the frequency with which programs and facilities shall submit such lists of mental health personnel and the frequency of requests to the Department of Law Enforcement to run state criminal records checks for such mental health personnel except for those mental health personnel awaiting the results of initial fingerprint checks for employment at the program or facility. The department shall review the records of the mental health personnel at the program or facility with respect to the crimes contained in this section and shall notify the program or facility of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

3. During calendar year 1986, the program director of each public or private mental health program and facility shall sign an affidavit under penalty of perjury stating that all mental health personnel at the program or facility at that time have been fingerprinted pursuant to this section. After January 1, 1987, the program director of each public or private mental health program and facility shall sign an affidavit annually, under penalty of perjury, stating that all new mental health personnel have been fingerprinted and that the program's or facility's remaining mental health personnel have worked at the program or facility on a continuous basis since being initially screened at that program or facility.

(c) After January 1, 1986, as a prerequisite to operating a new public or private mental health program or facility:

1. The owner or program director shall submit to the department a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints, for the program director of the program or facility;

2. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation; and

3. The department shall review the record of the program director with respect to the crimes contained in this section and shall notify the owner or program director of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the program director, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

(d) The public or private mental health program or facility shall automatically terminate the employment of any of its mental health personnel found to be in noncompliance with the minimum standards for good moral character as contained in this section.

(e) After January 1, 1986, mental health personnel shall, within 5 working days after starting to work at a public or private mental health program or facility, submit to the program or facility for submission, within 48 hours, to the department, a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation. The department shall review the record of the person being screened with respect to the crimes contained in this section and shall notify the program or facility of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

1. Under the penalty of perjury, such mental health personnel shall attest to compliance with the minimum standards for good moral character as contained in this section.

2. New mental health personnel shall be on probationary status pending a determination of compliance with minimum standards for good moral character.

3. The department, upon request of a program or facility, shall provide written assurance of compliance with this section for new mental health personnel who have been fingerprinted and screened for the program or facility at which they previously worked. However, if the person has been unemployed for more than 60 days, screening shall be required.

(f) The costs of processing fingerprints and the state criminal records checks shall be borne by the program or facility or the mental health personnel being screened.

(g) When the department has reasonable cause to believe that grounds for denial or termination of employment exist it shall notify, in writing, the program or facility, and the mental health personnel affected, stating the specific record which indicates noncompliance with the standards in this section. The procedures established for hearing under chapter 120 shall be available to the program or facility and the mental health personnel affected who are hired on a permanent basis and are not on probationary status in order to present evidence relating either to the accuracy of the basis of exclusion or to the denial of an exemption from disqualification. The department shall provide for procedures for contesting the accuracy of the records used as the basis of expulsion for those employees on probationary status.

(h) It is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to:

1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to such person's qualifications to be a program director, staff member, or volunteer in a public or private mental health program or facility; or

2. Operate or attempt to operate a public or private mental health program or facility with mental health personnel who are in noncompliance with the minimum standards for good moral character as contained in this section.

3. Use records information for purposes other than screening for employment as specified in this section or release such information to other persons for purposes other than screening for employment as specified herein.

(i) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use juvenile records information for any purposes other than specified in this section or to release such information to other persons for purposes other than specified in this section.

Section 13. Subsections (8) and (9) are added to section 396.032, Florida Statutes, to read:

396.032 Definitions.—For the purposes of this chapter:

(8) "Treatment resource personnel" includes all program directors, staff, and volunteers, including foster parents, working in a treatment resource, who have direct contact with unmarried clients under the age of 18 years. For purposes of screening as required in s. 396.0425, the term includes any member of a foster family or person other than a client residing with a foster family if such family member or person residing with the foster family is over 12 years of age and has any direct contact with the alcoholic. Students in the health care professions who are interning in a treatment resource licensed under chapter 395, where the primary purpose of the treatment resource is not the treatment of unmarried minors, shall be exempt from the fingerprinting and screening requirements, provided they are under actual physical presence supervision of a licensed health care professional. Treatment resource personnel working in a treatment resource licensed under chapter 395, who have less than 15 hours per week direct contact with such unmarried minors or who are health care professionals licensed by the Department of Professional Regulation or a board thereunder, are exempt from the fingerprinting and screening requirements, except for those treatment resource personnel in a treatment resource where the primary purpose of the resource is treatment of unmarried minors. Members of the foster family, or persons residing with the foster family, who are between the ages of 12 years and 18 years shall not be required to be fingerprinted, but shall be screened for delinquency records. A volunteer who assists on an intermittent basis for less than 40 hours per month is not included in the term "treatment resource personnel" for the purposes of screening, if the volunteer is under direct and constant supervision by persons who meet the screening requirements of ss. 396.042 and 396.0425.

(9) "Screening" means the act of assessing the background of treatment resource personnel and includes, but is not limited to, employment history checks, checks of references, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, federal criminal records checks through the Federal Bureau of Investigation, and abuse-registry clearance.

Section 14. Subsection (3) is added to section 396.042, Florida Statutes, 1984 Supplement, to read:

396.042 Duties and functions of the department.—

(3) The department shall ensure that treatment resource personnel meet the minimum standards for good moral character as contained in s. 396.0425.

(a)1. During calendar year 1986, each treatment resource shall submit to the department a complete set of fingerprints, taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints, for all treatment resource personnel working at the treatment resource at that time. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation. The department shall review the records of the treatment resource personnel at the treatment resource with respect to the crimes contained in s. 396.0425(1) and shall notify the treatment resource of its finding. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

2. After January 1, 1987, each treatment resource shall submit to the department a list of treatment resource personnel who have worked on a continuous basis at the treatment resource since submitting fingerprints to the department, identifying those treatment resource personnel who have recently begun working at the treatment resource and are awaiting the results of the required fingerprint check along with the date of the submission of those fingerprints for processing. The department shall by rule determine the frequency with which treatment resources shall submit such lists of treatment resource personnel and the frequency of requesting the Department of Law Enforcement to run state criminal records checks for such treatment resource personnel except for those treatment resource personnel awaiting the results of initial fingerprint checks for employment at the treatment resource. The department shall review the records of the treatment resource personnel at the treatment resource with respect to the crimes contained in s. 396.0425(1) and shall notify the treatment resource of its findings. When disposition information is missing on a criminal record, it shall be

the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

3. During calendar year 1986, the program director of each treatment resource shall sign an affidavit under penalty of perjury stating that all treatment resource personnel at the treatment resource at that time have been fingerprinted pursuant to this section. After January 1, 1987, the program director of each treatment resource shall sign an affidavit annually, under penalty of perjury, stating that all new treatment resource personnel have been fingerprinted and that the treatment resource's remaining treatment resource personnel have worked at the treatment resource on a continuous basis since being initially screened at that treatment resource.

(b) After January 1, 1986, as a prerequisite to operating a new treatment resource:

1. The owner or program director shall submit to the department a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints, for the program director of the treatment resource;

2. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation; and

3. The department shall review the record of the program director with respect to the crimes contained in s. 396.0425(1) and shall notify the owner or program director of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the program director, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

(c) The treatment resource shall automatically terminate the employment of any of its treatment resource personnel found to be in noncompliance with the minimum standards for good moral character as contained in s. 396.0425.

Section 15. Section 396.0425, Florida Statutes, is created to read:

396.0425 Screening of treatment resource personnel.—

(1) **MINIMUM STANDARDS.**—The department shall establish minimum standards as to good moral character, based on screening, for treatment resource personnel. Such minimum standards for screening shall ensure that no treatment resource personnel have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any felony prohibited under any of the following provisions of the Florida Statutes or under similar statutes of other jurisdictions:

- (a) Section 782.04, relating to murder.
- (b) Section 782.07, relating to manslaughter.
- (c) Section 782.071, relating to vehicular homicide.
- (d) Section 782.09, relating to killing of an unborn child by injury to the mother.
- (e) Section 784.021, relating to aggravated assault.
- (f) Section 784.045, relating to aggravated battery.
- (g) Section 787.01, relating to kidnapping.
- (h) Section 787.02, relating to false imprisonment.
- (i) Section 787.04, relating to removing children from the state or concealing children contrary to court order.
- (j) Section 794.011, relating to sexual battery.
- (k) Section 794.041, relating to prohibited acts of persons in familial or custodial authority.
- (l) Chapter 796, relating to prostitution.
- (m) Section 798.02, relating to lewd and lascivious behavior.
- (n) Chapter 800, relating to lewdness and indecent exposure.
- (o) Section 806.01, relating to arson.
- (p) Section 812.13, relating to robbery.

- (q) Section 826.04, relating to incest.
- (r) Section 827.03, relating to aggravated child abuse.
- (s) Section 827.04, relating to child abuse.
- (t) Section 827.05, relating to negligent treatment of children.
- (u) Section 827.071, relating to sexual performance by a child.
- (v) Section 827.09, relating to abuse, neglect, or exploitation of aged or disabled persons.
- (w) Chapter 847, relating to obscene literature.
- (x) Section 784.011, relating to assault, if the victim of the offense was a minor.
- (y) Section 784.03, relating to battery, if the victim of the offense was a minor.
- (z) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony or if any other person involved in the offense was a minor.

For purposes of this subsection, a finding of delinquency or a plea of *nolo contendere* or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of other jurisdictions, for any of the foregoing acts, has the same effect as a finding of guilt, regardless of adjudication or disposition. Such standards for screening shall also ensure that the person has not been judicially determined to have committed abuse against a child as defined in s. 39.01(2) and (7) or to have a substantiated indicated report of abuse as defined in s. 415.503 or to have committed an act which constitutes domestic violence as defined in s. 741.30. For misdemeanors prohibited under any of the foregoing Florida Statutes or under similar statutes of other jurisdictions or for judicial determinations of abuse, substantiated indicated reports of abuse, or commissions of domestic violence used for disqualification of a person from working with children, the department may grant an exemption from such a disqualification if the department has clear and convincing evidence to support a reasonable belief that the person is of good character as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of children. The decision of the department regarding an exemption may be contested through the hearing procedures set forth in this section. Since rehabilitated substance abusers are effective in the successful treatment and rehabilitation of substance dependent adolescents, for substance abuse programs for adolescents 13 years of age and older, treatment resource personnel found guilty of crimes under the provisions of s. 893.13 or s. 893.147 may be exempted from disqualification from employment pursuant to the conditions and procedures set forth above for the exemption from disqualification from employment for other acts.

(2) **REQUIREMENTS FOR TREATMENT RESOURCE PERSONNEL.—**

(a) After January 1, 1986, treatment resource personnel shall, within 5 working days after starting to work at a treatment resource, submit to the treatment resource for submission, within 48 hours, to the department, a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation. The department shall review the record of the person being screened with respect to the crimes contained in this section and shall notify the treatment resource of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

(b) Under the penalty of perjury, such treatment resource personnel shall attest to compliance with the minimum standards for good moral character as contained in this section.

(c) New treatment resource personnel shall be on probationary status pending a determination of compliance with minimum standards for good moral character. Such new treatment resource personnel found to be in noncompliance shall be automatically terminated from employment by the treatment resource.

(d) The department, upon request of a treatment resource, shall provide written assurance of compliance with this section for new treatment resource personnel who have been fingerprinted and screened for the treatment resource at which they previously worked. However, if the person has been unemployed for more than 60 days, screening shall be required.

(3) **PAYMENT FOR PROCESSING OF FINGERPRINTS AND STATE CRIMINAL RECORDS CHECKS.—**The costs of processing fingerprints and the state criminal records checks shall be borne by the treatment resource or the treatment resource personnel being screened.

(4) **EXCLUSION FROM BEING EMPLOYED BY A TREATMENT RESOURCE; HEARINGS PROVIDED.—**

(a) When the department has reasonable cause to believe that grounds for denial or termination of employment exist, it shall notify, in writing, the treatment resource, and the treatment resource personnel affected, stating the specific record which indicates noncompliance with the standards in this section.

(b) The procedures established for hearing under chapter 120 shall be available to the treatment resource and the treatment resource personnel affected who are hired on a permanent basis and are not on probationary status, in order to present evidence relating either to the accuracy of the basis of exclusion or to the denial of an exemption from disqualification.

(c) The department shall provide for procedures for contesting the accuracy of the records used as the basis of expulsion for those employees not covered by paragraph (b).

Section 16. Section 396.0427, Florida Statutes, is created to read:

96.0427 **Penalties.—**

(1) It is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to:

(a) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to such person's qualifications to be a program director, staff member, or volunteer in a treatment resource;

(b) Operate or attempt to operate a treatment resource with treatment resource personnel who are in noncompliance with the minimum standards for good moral character as contained in s. 396.0425; or

(c) Use records information for purposes other than screening for employment as specified in ss. 396.042 and 396.0425 or release such information to other persons for purposes other than screening for employment as specified in ss. 396.042 and 396.0425.

(2) It is a felony of the third degree, punishable as provided in s. 775.082, 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use juvenile records information for any purposes other than specified in ss. 396.042 and 396.0425 or to release such information to other persons for purposes other than specified in those sections.

Section 17. Subsections (8) and (9) are added to section 397.021, Florida Statutes, to read:

397.021 **Definitions.—**When used in this chapter, unless the context otherwise requires, the term:

(8) "Treatment resource personnel" includes all program directors, staff, and volunteers, including foster parents, working in a treatment resource who have direct contact with unmarried clients under the age of 18 years. Students in the health care professions who are interning in a treatment resource licensed under chapter 395, where the primary purpose of the treatment resource is not the treatment of unmarried minors, shall be exempt from the fingerprinting and screening requirements, provided they are under actual physical presence supervision of a licensed health care professional. Treatment resource personnel work-

ing in a treatment resource licensed under chapter 395, who have less than 15 hours per week direct contact with such unmarried minors or who are health care professionals licensed by the Department of Professional Regulation or a board thereunder, are exempt from the fingerprinting and screening requirements except for those treatment resource personnel in a treatment resource where the primary purpose of the resource is the treatment of unmarried minors. For purposes of screening as required in s. 397.0715, the term includes any member of a foster family or person other than a client residing with a foster family if such family member or person residing with the foster family is over 12 years of age and has any direct contact with the drug abuser. Members of the foster family, or persons residing with the foster family, who are between the ages of 12 years and 18 years shall not be required to be fingerprinted, but shall be screened for delinquency records. A volunteer who assists on an intermittent basis for less than 40 hours per month is not included in the term "treatment resource personnel" for the purposes of screening, if the volunteer is under direct and constant supervision by persons who meet the personnel requirements of s. 397.0715.

(9) "Screening" means the act of assessing the background of treatment resource personnel and includes, but is not limited to, employment history checks, checks of references, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, federal criminal records checks through the Federal Bureau of Investigation, and abuse-registry clearance.

Section 18. Subsection (8) is added to section 397.031, Florida Statutes, to read:

397.031 Duties of department.—The Department of Health and Rehabilitative Services, hereinafter referred to as "department," shall:

(8) The department shall ensure that treatment resource personnel meet the minimum standards for good moral character as contained in s. 397.0715.

Section 19. Section 397.0715, Florida Statutes, is created to read:

397.0715 Screening of treatment resource personnel.—

(1) **MINIMUM STANDARDS.**—The department shall establish minimum standards as to good moral character, based on screening, for treatment resource personnel. Such minimum standards for screening shall ensure that no treatment resource personnel have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any felony prohibited under any of the following provisions of the Florida Statutes or under similar statutes of other jurisdictions:

- (a) Section 782.04, relating to murder.
- (b) Section 782.07, relating to manslaughter.
- (c) Section 782.071, relating to vehicular homicide.
- (d) Section 782.09, relating to killing of an unborn child by injury to the mother.
- (e) Section 784.021, relating to aggravated assault.
- (f) Section 784.045, relating to aggravated battery.
- (g) Section 787.01, relating to kidnapping.
- (h) Section 787.02, relating to false imprisonment.
- (i) Section 787.04, relating to removing children from the state or concealing children contrary to court order.
- (j) Section 794.011, relating to sexual battery.
- (k) Section 794.041, relating to prohibited acts of persons in familial or custodial authority.
- (l) Chapter 796, relating to prostitution.
- (m) Section 798.02, relating to lewd and lascivious behavior.
- (n) Chapter 800, relating to lewdness and indecent exposure.
- (o) Section 806.01, relating to arson.

- (p) Section 812.13, relating to robbery.
- (q) Section 826.04, relating to incest.
- (r) Section 827.03, relating to aggravated child abuse.
- (s) Section 827.04, relating to child abuse.
- (t) Section 827.05, relating to negligent treatment of children.
- (u) Section 827.071, relating to sexual performance by a child.
- (v) Section 827.09, relating to abuse, neglect, or exploitation of aged or disabled persons.
- (w) Chapter 847, relating to obscene literature.
- (x) Section 784.011, relating to assault, if the victim of the offense was a minor.
- (y) Section 784.03, relating to battery, if the victim of the offense was a minor.
- (z) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony or if any other person involved in the offense was a minor.

For purposes of this subsection, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of other jurisdictions, for any of the foregoing acts, has the same effect as a finding of guilt, regardless of adjudication or disposition. Such standards for screening shall also ensure that the person has not been judicially determined to have committed abuse against a child as defined in s. 39.01(2) and (7) or to have a substantiated indicated report of abuse as defined in s. 415.503 or to have committed an act which constitutes domestic violence as defined in s. 741.30. For misdemeanors prohibited under any of the foregoing Florida Statutes or under similar statutes of other jurisdictions or for judicial determinations of abuse, substantiated indicated reports of abuse, or commissions of domestic violence used for disqualification of a person from working with children, the department may grant an exemption from such a disqualification if the department has clear and convincing evidence to support a reasonable belief that the person is of good character as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of children. The decision of the department regarding an exemption may be contested through the hearing procedures set forth in this section. Since rehabilitated substance abusers are effective in the successful treatment and rehabilitation of substance dependent adolescents, for substance abuse programs for adolescents 13 years of age and older, treatment resource personnel found guilty of crimes under the provisions of s. 893.13 or s. 893.147 may be exempted from disqualification from employment pursuant to the conditions and procedures set forth above for the exemption from disqualification from employment for other acts.

## (2) REQUIREMENTS FOR TREATMENT RESOURCE PERSONNEL.—

(a) After January 1, 1986, treatment resource personnel shall, within 5 working days after starting to work at a treatment resource, submit to the treatment resource for submission, within 48 hours, to the department, a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation. The department shall review the record of the person being screened with respect to the crimes contained in this section and shall notify the treatment resource of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

(b) Under the penalty of perjury, such treatment resource personnel shall attest to compliance with the minimum standards for good moral character as contained in this section.

(c) New treatment resource personnel shall be on probationary status pending a determination of compliance with minimum standards for good moral character. Such new treatment resource personnel found to be in noncompliance shall be automatically terminated from employment by the treatment resource.

(d) The department, upon request of a treatment resource, shall provide written assurance of compliance with this section for new treatment resource personnel who have been fingerprinted and screened for the treatment resource at which they previously worked. However, if the person has been unemployed for more than 60 days, screening shall be required.

(3) **PAYMENT FOR PROCESSING OF FINGERPRINTS AND STATE CRIMINAL RECORDS CHECKS.**—The costs of processing fingerprints and the state criminal records checks shall be borne by the treatment resource or the treatment resource personnel being screened.

(4) **EXCLUSION FROM BEING EMPLOYED BY A TREATMENT RESOURCE; HEARINGS PROVIDED.**—

(a) When the department has reasonable cause to believe that grounds for denial or termination of employment exist, it shall notify, in writing, the treatment resource, and the treatment resource personnel affected, stating the specific record which indicates noncompliance with the standards in this section.

(b) The procedures established for hearing under chapter 120 shall be available to the treatment resource and the treatment resource personnel affected who are hired on a permanent basis and are not on probationary status, in order to present evidence relating either to the accuracy of the basis of exclusion or to the denial of an exemption from disqualification.

(c) The department shall provide for procedures for contesting the accuracy of the records used as the basis of expulsion for those employees not covered by paragraph (b).

(d) The treatment resource shall automatically terminate the employment of any of its treatment resource personnel found to be in noncompliance with the minimum standards for good moral character as contained in s. 397.0715(1).

Section 20. Section 397.0716, Florida Statutes, is created to read:

397.0716 Penalties.—

(1) It is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to:

(a) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to such person's qualifications to be a program director, staff member, or volunteer in a treatment resource;

(b) Operate or attempt to operate a treatment resource with treatment resource personnel who are in noncompliance with the minimum standards for good moral character as contained in s. 397.0715; or

(c) Use records information for purposes other than screening for employment as specified in s. 397.0715 or release such information to other persons for purposes other than screening for employment as specified in that section.

(2) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use juvenile records information for any purposes other than specified in s. 397.0715 or to release such information to other persons for purposes other than specified in that section.

Section 21. Subsection (2) of section 397.081, Florida Statutes, is amended to read:

397.081 License required.—

(2) With each application for license for a DATAP program submitted to the department there shall be included a comprehensive outline of the proposed rehabilitative program. After January 1, 1986, as a prerequisite for issuance of the initial license to a treatment resource:

(a) The applicant shall submit to the department a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints, for the program director of the treatment resource;

(b) The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation; and

(c) The department shall review the record of the program director with respect to the crimes contained in s. 397.0715(1) and shall notify the applicant of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the program director, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

Section 22. Subsection (2) of section 397.091, Florida Statutes, is amended to read:

397.091 Regular, probationary, and interim licenses to operate DATAP programs; issuance and renewal.—

(2) A regular license issued for operation of a DATAP program, unless sooner suspended or revoked, shall expire 12 months from the date of issue, unless the license has been renewed prior thereto for the next succeeding year. A license shall be renewed upon the filing of application for such renewal on forms prescribed by the department.

(a) As a prerequisite to the renewal during calendar year 1986 of an existing treatment resource license, the applicant for licensure shall submit to the department a complete set of fingerprints, taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints, for all treatment resource personnel working at the treatment resource at that time. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation. The department shall review the records of the treatment resource personnel at the treatment resource with respect to the crimes contained in s. 397.0715(1) and shall notify the treatment resource of its finding. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

(b) After January 1, 1987, each treatment resource which applies for renewal of its license shall submit to the department a list of treatment resource personnel who have worked on a continuous basis at the treatment resource since submitting fingerprints to the department, identifying those treatment resource personnel who have recently begun working at the treatment resource and are awaiting the results of the required fingerprint check along with the date of the submission of those fingerprints for processing. The department shall by rule determine the frequency with which treatment resources shall submit such lists of treatment resource personnel and the frequency of requesting the Department of Law Enforcement to run state criminal records checks for such treatment resource personnel except for those treatment resource personnel awaiting the results of initial fingerprint checks for employment at the treatment resource. The department shall review the records of the treatment resource personnel at the treatment resource with respect to the crimes contained in s. 397.0715(1) and shall notify the treatment resource of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

(c) Prior to the renewal of a license during calendar year 1986, the applicant shall sign an affidavit under penalty of perjury stating that all treatment resource personnel at the treatment resource at the time of license renewal have been fingerprinted pursuant to this section. After January 1, 1987, the applicant shall sign an affidavit under penalty of perjury, stating that all new treatment resource personnel have been fingerprinted and that the treatment resource's remaining treatment resource personnel have worked at the treatment resource on a continuous basis since being initially screened at that treatment resource.

Section 23. Section 402.302, Florida Statutes, as amended by chapter 84-551, Laws of Florida, is amended to read:

402.302 Definitions.—As used in ss. 402.301-402.319:



(1) "Department" means the Department of Health and Rehabilitative Services.

(2) "Secretary" means the Secretary of the Department of Health and Rehabilitative Services.

(3) "Child care" means the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his individual needs, and for which a payment, fee, or grant is made for care.

(4) "Child care facility" includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included: public schools and nonpublic schools and their integral programs which are in compliance with the Compulsory School Attendance Law, chapter 332; summer camps having children in full-time residence; summer day camps; and Bible Schools normally conducted during vacation periods.

(5) "Family day care home" means an occupied residence in which child day care is regularly provided for no more than five preschool children and elementary school children from more than one unrelated family and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. The maximum number of five preschool children includes, including preschool children living in the home and preschool children received for day care who are not related to the resident caregiver. Elementary school siblings of the preschool children received for day care may also be cared for outside of school hours provided the total number of children, including the caregiver's own and those related to the caregiver her, does not exceed 10.

(6) "Operator" means any on-site person ultimately responsible for the overall operation of a child care facility, whether or not he is the owner or administrator of such facility.

(7) "Owner" means the person who is licensed to operate the child care facility.

(8) "Child care personnel" means all owners, operators, employees, and volunteers working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present or parents of children in Head Start. For purposes of screening, the term includes any member, over the age of 12 years, of a child care facility operator's family, or person, over the age of 12 years, residing with a child care facility operator if the child care facility is located in or adjacent to the home of the operator or if the family member of, or person residing with, the child care facility operator has any direct contact with the children in the facility during its hours of operation. Members of the operator's family, or persons residing with the operator, who are between the ages of 12 years and 18 years shall not be required to be fingerprinted, but shall be screened for delinquency records. For purposes of screening, the term shall also include persons who work in child care programs which provide care for children 15 hours or more each week in public or nonpublic schools, summer day camps, family day care homes, or those programs otherwise exempted under s. 402.316. The term does not include public or nonpublic school personnel who are providing care during regular school hours, or after hours for activities related to a school's program for grades kindergarten through 12 as required under chapter 232. A volunteer who assists on an intermittent basis for less than 40 hours per month is not included in the term "personnel" for the purposes of screening and training, provided that the volunteer is under direct and constant supervision by persons who meet the personnel requirements of s. 402.305(1). Students who observe and participate in a child care facility as a part of their required coursework shall not be considered child care personnel, provided such observation and participation is on an intermittent basis and the students are under direct and constant supervision of child care personnel.

(9) "Local licensing agency" means any agency or individual designated by the county to license child care facilities.

(10) "Screening" means the act of assessing the background of child care personnel and includes, but is not limited to, employment history checks, checks of references, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, federal criminal records checks through the Federal Bureau of Investigation, and abuse registry clearance.

Section 24. Section 402.305, Florida Statutes, as amended by chapter 84-551, Laws of Florida, is amended to read:

402.305 Licensing standards; child care facilities.—The state minimum standards shall be designed to protect the health, sanitation, safety, and well-being of all children under care by ensuring competent personnel, adequate physical surroundings, and healthful food. All standards established under ss. 402.301-402.319 shall be consistent with rules promulgated by the State Fire Marshal for child care facilities. The minimum standards for child care facilities shall include the following areas:

(1) PERSONNEL.—Minimum standards for child care personnel, which shall include minimum requirements as to:

(a) Good moral character; based upon screening ~~and background checks~~. Such minimum standards for screening shall ensure that no child care personnel at a child care facility or other child care program have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any felony prohibited under any of the following provisions of the Florida Statutes or under similar statutes of other jurisdictions:

1. Section 782.04, relating to murder.
2. Section 782.07, relating to manslaughter.
3. Section 782.071, relating to vehicular homicide.
4. Section 782.09, relating to killing of an unborn child by injury to the mother.
5. Section 784.021, relating to aggravated assault.
6. Section 784.045, relating to aggravated battery.
7. Section 787.01, relating to kidnapping.
8. Section 787.02, relating to false imprisonment.
9. Section 787.04, relating to removing children from the state or concealing children contrary to court order.
10. Section 794.011, relating to sexual battery.
11. Section 794.041, relating to prohibited acts of persons in familial or custodial authority.
12. Chapter 796, relating to prostitution.
13. Section 798.02, relating to lewd and lascivious behavior.
14. Chapter 800, relating to lewdness and indecent exposure.
15. Section 806.01, relating to arson.
16. Section 812.13, relating to robbery.
17. Section 826.04, relating to incest.
18. Section 827.03, relating to aggravated child abuse.
19. Section 827.04, relating to child abuse.
20. Section 827.05, relating to negligent treatment of children.
21. Section 827.071, relating to sexual performance by a child.
22. Section 827.09, relating to abuse, neglect, or exploitation of aged or disabled persons.
23. Chapter 847, relating to obscene literature.
24. Section 784.011, relating to assault, if the victim of the offense was a minor.
25. Section 784.03, relating to battery, if the victim of the offense was a minor.
26. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony or if any other person involved in the offense was a minor.

For purposes of this subsection, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of other jurisdictions, for any of the foregoing acts, has the same effect as a finding of guilt, regardless of adjudication or disposi-



tion. Such standards for screening shall also ensure that the person has not been judicially determined to have committed abuse against a child as defined in s. 39.01(2) and (7) or to have a substantiated indicated report of abuse as defined in s. 415.503 or to have committed an act which constitutes domestic violence as defined in s. 741.30. For misdemeanors prohibited under any of the foregoing Florida Statutes or under similar statutes of other jurisdictions or for judicial determinations of abuse, substantiated indicated reports of abuse, or commissions of domestic violence used for disqualification of a person from working with children, the department or local licensing agency may grant an exemption from such a disqualification if the department or local licensing agency has clear and convincing evidence to support a reasonable belief that the person is of good character as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of children. The decision of the department or local licensing agency regarding an exemption may be contested through the hearing procedures set forth in s. 402.3055.

(b) Minimum age requirements. Such minimum standards shall prohibit a person under the age of 21 from being the operator of a child care facility and a person under the age of 16 from being employed at such facility unless such person is under direct supervision and is not counted for the purposes of computing the personnel to child ratio.

(c) Minimum staff training requirements. Such minimum standards for training shall ensure that all child care personnel take an approved 20-clock-hour introductory course in child care which covers at least the following topic areas:

1. State and local rules and regulations which govern child care.
2. Health, safety and nutrition.
3. Identifying and reporting child abuse and neglect.
4. Child growth and development.

Within 90 days of employment, child care personnel shall begin training to meet the required 20-hour introductory course and shall complete such training within 1 year of the date on which the training began. Exemption from all or a portion of the required 20-clock-hour introductory course shall be granted to child care personnel based upon educational credentials or passage of competency examinations. On an annual basis in order to further their child care skills and, if appropriate, administrative skills, child care personnel who have fulfilled the requirements for the introductory course shall be required to take an additional approved 8 clock hours of inservice training or an equivalent as determined by the department. Procedures for ensuring the training of qualified child care professionals to provide training of child care personnel, including onsite training, shall be included in the minimum standards. It is recommended that the state community child care coordination agencies (central agencies) be contracted by the department to coordinate such training when possible. Other district coordinating resources can be designated in such areas where central agencies may not exist or are determined not to have the capability to meet the coordination requirements set forth by the department. Training requirements shall not apply to certain support staff, including, but not limited to, swimming instructors, piano teachers, dance instructors, and gymnastic instructors. ~~for identification and reporting of child abuse and neglect;~~

(d) Periodic health examinations, ~~minimum levels of training in first aid, and~~

(e) Ratios of personnel to children. ~~Any family member of, or person residing with, a child care facility operator shall also be subject to such screening and background checks if the child care facility is located in or adjacent to the home of the operator or if the family member of, or person residing with, the child care facility operator has any direct contact with the children in the facility during its hours of operation.~~

(2) PHYSICAL FACILITIES.—Minimum standards for building conditions, indoor play space, outdoor play space, napping space, bathroom facilities, food preparation facilities, outdoor equipment, and indoor equipment.

(3) SANITATION AND SAFETY.—Minimum standards for sanitary and safety conditions, first aid treatment, and emergency procedures.

(4) NUTRITIONAL PRACTICES.—Minimum standards for the provision of meals or snacks of a quality and quantity to assure that the nutritional needs of the child are met.

(5) ADMISSIONS AND RECORDKEEPING.—Requirements for preadmission and periodic health examinations, requirements for immunizations, and requirements for maintaining emergency information and health records on all children. Any child shall be exempt from medical or physical examination or medical or surgical treatment upon written request of the parent or guardian of such child who objects to the examination and treatment. However, the laws, rules, and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated.

(6) TRANSPORTATION SAFETY.—Requirements for child restraints or seat belts in vehicles used by child care facilities to transport children, requirements for annual inspections of the vehicles, and limitations on the number of children in the vehicles.

(7) ACCESS.—Minimum standards that provide for reasonable access to the child care facility by the custodial parent or guardian during the time the child is in care.

(8) CHILD DISCIPLINE.—Minimum standards for child discipline practices to ensure that age-appropriate, constructive, disciplinary practices are used for children in care. Such standards shall include at least the following requirements:

(a) Children shall not be subjected to discipline which is severe, humiliating or frightening.

(b) Discipline shall not be associated with food, rest or toileting.

(c) Spanking or any other form of physical punishment is prohibited except when written authorization has been given by the parent or legal guardian following a discussion of discipline techniques with the parent or guardian.

Prior to admission of a child to a child care facility, the facility shall notify the parents in writing of the disciplinary practices used by the facility.

(9) PLAN OF ACTIVITIES.—Minimum standards to ensure that each child care facility has and implements a written plan for the daily provision of varied activities and active and quiet play opportunities appropriate to the age of the child.

Section 25. Section 402.3055, Florida Statutes, as created by chapter 84-551, Laws of Florida, is amended to read:

(Substantial rewording of section. See s. 402.3055, F.S., as created by ch. 84-551, Laws of Florida, for present text.)

402.3055 Submission and processing of fingerprints; criminal checks.

#### (1) REQUIREMENTS FOR RENEWAL OF LICENSE.—

(a)1. As a prerequisite to the renewal during calendar year 1986 of an existing child care facility license, the applicant for licensure shall submit to the department, or to the local licensing agency for submission to the department, a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department or local licensing agency who is trained to take fingerprints, for all child care personnel at the applicant facility. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation.

2. A facility which has submitted fingerprints for its personnel on a voluntary basis between January 1, 1985, and June 30, 1985, may request the department or local licensing agency to use previously submitted fingerprints for screening of such personnel. A facility which has submitted fingerprints prior to the effective date of this act as a result of screening requirements in a local ordinance must comply with the provisions of this section by July 1, 1986, or when the facility's license is due for renewal, whichever occurs first.

3. The department or local licensing agency shall review the records of the child care personnel at the applicant facility with respect to the

crimes contained in s. 402.305(1)(a) and shall notify the facility of its finding. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department or local licensing agency, to obtain and supply within 30 days the missing disposition information to the department or local licensing agency.

(b) After January 1, 1987, a licensed child care facility which applies for renewal of its license shall submit to the department, or to the local licensing agency for submission to the department, a list of child care personnel who have worked on a continuous basis at the applicant facility since submitting fingerprints to the department or local licensing agency, identifying those child care personnel who have recently begun working at the facility and are awaiting the results of the required fingerprint check along with the date of the submission of those fingerprints for processing. The department shall by rule determine the frequency of requesting the Department of Law Enforcement to run state criminal records checks for such child care personnel except for those child care personnel awaiting the results of initial fingerprint checks for employment at the applicant facility. The department or local licensing agency shall review the records of the child care personnel at the applicant facility with respect to the crimes contained in s. 402.305(1)(a) and shall notify the facility of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department or local licensing agency, to obtain and supply within 30 days the missing disposition information to the department or local licensing agency.

(c) Prior to renewal of a license during calendar year 1986, the applicant shall sign an affidavit under penalty of perjury stating that all child care personnel at the applicant facility at the time of license renewal have been fingerprinted pursuant to this section. After January 1, 1987, the applicant shall sign an affidavit under penalty of perjury stating that all new child care personnel have been fingerprinted and that the facility's remaining child care personnel have worked at the applicant facility on a continuous basis since being initially screened at that facility.

(2) REQUIREMENTS FOR ISSUANCE OF INITIAL LICENSE.—After January 1, 1986, as a prerequisite for issuance of the initial license to a child care facility:

(a) The applicant shall submit to the department, or to the local licensing agency for submission to the department, a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department or local licensing agency who is trained to take fingerprints, for the operator of the child care facility;

(b) The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation; and

(c) The department or local licensing agency shall review the record of the operator with respect to the crimes contained in s. 402.305(1)(a) and shall notify the applicant of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the operator, upon request of the department or local licensing agency, to obtain and supply within 30 days the missing disposition information to the department or local licensing agency.

(3) REQUIREMENTS FOR CHILD CARE PERSONNEL.—

(a) After January 1, 1986, child care personnel of a facility shall, within 5 working days after starting to work at the facility, submit to the facility for submission, within 48 hours, to the department, or to the local licensing agency for submission to the department, a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department or local licensing agency who is trained to take fingerprints. Child care personnel of other child care programs shall submit to the department, or to the local licensing agency for submission to the department, a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department or local licensing agency who is trained to take fingerprints. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation. The department or local licensing agency shall review the record of the person being screened with respect to the crimes contained in s. 402.305(1)(a) and shall notify the facility or other child care program of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department or local licensing agency, to obtain and supply within 30 days the missing disposition information to the department or local licensing agency.

(b) Under the penalty of perjury, such personnel shall attest to compliance with the minimum standards for good moral character as contained in s. 402.305(1)(a).

(c) New child care personnel shall be on probationary status pending a determination of compliance with minimum standards for good moral character. Such new child care personnel found to be in noncompliance shall be automatically terminated from employment by the facility or other child care program.

(d) The department or local licensing agency, upon request of a child care facility or other child care program, shall provide written assurance of compliance with this section for new child care personnel who have been fingerprinted and screened for the facility or other child care program at which they previously worked. However, if the person has been unemployed for more than 60 days, screening shall be required.

(4) PAYMENT FOR PROCESSING OF FINGERPRINTS AND STATE CRIMINAL RECORDS CHECKS.—The costs of processing fingerprints and the state criminal records checks shall be borne by the applicant or the child care personnel or other child care workers who are being screened.

(5) EXCLUSION FROM OWNING, OPERATING, OR BEING EMPLOYED BY A CHILD CARE FACILITY OR OTHER CHILD CARE PROGRAM; HEARINGS PROVIDED.—

(a) The department or local licensing agency shall deny, suspend, or revoke a license or pursue other remedies provided in s. 402.310, s. 402.312, or s. 402.319 in addition to or in lieu of denial, suspension, or revocation for failure to comply with this section. The disciplinary actions determination to be made by the department or the local licensing agency and the procedure for hearing for applicants and licensees shall be in accordance with s. 402.310.

(b) When the department or the local licensing agency has reasonable cause to believe that grounds for denial or termination of employment exist, it shall notify, in writing, the applicant, licensee, or other child care program and the child care personnel affected, stating the specific record which indicates noncompliance with the standards in s. 402.305(1)(a).

(c) When the department is the agency initiating the statement regarding noncompliance, the procedures established for hearing under chapter 120 shall be available to the applicant, licensee, or other child care program and to the affected child care personnel who are hired on a permanent basis and are not on probationary status, in order to present evidence relating either to the accuracy of the basis of exclusion or to the denial of an exemption from disqualification.

(d) The department shall provide for procedures for contesting the accuracy of the records used as the basis of expulsion for those employees not covered by paragraph (c). The department may designate local licensing agencies to conduct the hearings.

(e) When a local licensing agency is the agency initiating the statement regarding noncompliance of a permanent employee with the standards contained in s. 402.305(1)(a), the permanent employee, applicant, licensee, or other child care program has 15 days from the time of written notification of the agency's finding to make a written request for a hearing. If a request for a hearing is not received in that time, the permanent employee, applicant, licensee, or other child care program is presumed to accept the finding.

(f) If a request for a hearing is made to the local licensing agency, a hearing shall be held within 30 days and shall be conducted by an individual designated by the county commission.

(g) A permanent employee, applicant, licensee, or other child care program shall have the right to appeal a finding of the local licensing agency to a representative of the department. Any required hearing shall be held in the county in which the permanent employee is employed. The hearing shall be conducted in accordance with the provisions of chapter 120.

(h) Refusal on the part of an applicant or licensee to dismiss child care personnel who have been found to be in noncompliance with personnel standards of s. 402.305(1)(a) shall result in automatic denial or revocation of the license in addition to any other remedies pursued by the department or local licensing agency.

Section 26. Section 402.308, Florida Statutes, as amended by chapter 84-551, Laws of Florida, is amended to read:

402.308 Issuance of license.—

(1) ANNUAL LICENSING.—Every child care facility in the state shall have a license which shall be renewed annually.

(2) CHANGE OF OWNERSHIP.—Every child care facility shall reapply for and receive a license prior to the time a new owner assumes responsibility for the facility. The department shall grant or deny the reapplication for license within 45 days from the date upon which the child care facility reapplies.

(3) STATE ADMINISTRATION OF LICENSING.—In any county in which the department has the authority to issue licenses, the following procedures shall be applied:

(a) Application for a license or for a renewal of a license to operate a child care facility shall be made in the manner and on the forms prescribed by the department.

(b) Prior to the renewal of a license, the department shall reexamine the child care facility, including in that process the examination of the premises and those records of the facility as required under s. 402.305, to determine that minimum standards for licensing continue to be met.

(c) The department shall coordinate all inspections of child care facilities. A child care facility is not required to implement a recommendation of one agency that is in conflict with a recommendation of another agency if such conflict arises due to uncoordinated inspections. Any conflict in recommendations shall be resolved by the secretary of the department within 15 days after written notice that such conflict exists.

(d) The department shall issue or renew a license upon receipt of the license fee and upon being satisfied that all standards required by ss. 402.301-402.319 have been met. *The department shall not issue or renew a license if any of the child care personnel at the applicant facility have failed the screening required by s. 402.305(1)(a) and s. 402.3055.*

(4) LOCAL ADMINISTRATION OF LICENSING.—In any county in which there is a local licensing agency approved by the department, the following procedures shall apply:

(a) Application for a license or for renewal of license to operate a child care facility shall be made in the manner and on the forms prescribed by the local licensing agency.

(b) Prior to the renewal of a license, the agency shall reexamine the child care facility, including in that process the examination of the premises and records of the facility as required in s. 402.305 to determine that minimum standards for licensing continue to be met.

(c) The local agency shall coordinate all inspections of child care facilities. A child care facility is not required to implement a recommendation of one agency that is in conflict with a recommendation of another agency if such conflict arises due to uncoordinated inspections. Any conflict in recommendations shall be resolved by the county commission or its representative within 15 days after written notice that such conflict exists.

(d) The local licensing agency shall issue a license or renew a license upon being satisfied that all standards required by ss. 402.301-402.319 have been met. *The local licensing agency shall not issue or renew a license if any of the child care personnel at the applicant facility have failed the screening required by ss. 402.305(1)(a) and 402.3055.*

(5) ISSUANCE OF LOCAL OCCUPATIONAL LICENSES.—No county or municipality shall issue an occupational license which is being obtained for the purpose of operating a child care facility regulated under this act without first ascertaining that the applicant has been licensed to operate such facility at the specified location or locations by the department or local licensing agency. The department or local licensing agency shall furnish to local agencies responsible for issuing occupational licenses sufficient instruction for making the above required determinations.

~~(5) MONTHLY REVIEW OF CERTAIN LICENSES, ETC.—The department or the local licensing agency shall make a monthly review in each county of all occupational licenses, zoning approvals and variances, and any other relevant grants, permits, licenses, and certificates issued by the county, or by any municipality therein, which are necessary for or~~

~~assist in the operation of child care facilities. Upon this monthly review, the department or local licensing agency shall compare its findings from the review with the licenses it has issued for child care facilities pursuant to this section and s. 402.309 in order to locate any facilities in operation in violation of the licensure requirements of this section. Upon determination that an unlicensed child care facility is in operation, the department or local licensing agency is empowered to proceed as authorized by s. 402.312. It is the intent of the Legislature to prevent the operation of unlicensed child care facilities through this monthly review procedure; however, it is not the intent of the Legislature to limit any other efforts of the department and local licensing agencies to prevent the operation of unlicensed facilities.~~

Section 27. Section 402.309, Florida Statutes, as amended by chapter 84-551, Laws of Florida, is amended to read:

402.309 Provisional license.—

(1) The local licensing agency or the department, whichever is authorized to license child care facilities in a county, may issue a provisional license to applicants for a license or to licensees who are unable to conform to all the standards provided for in ss. 402.301-402.319.

(2) No provisional license may be issued unless the operator or owner makes adequate provisions for the health and safety of the child. *No provisional license may be issued unless the child care facility is in compliance with the requirements for screening of child care personnel in ss. 402.305 and 402.3055.*

(3) The provisional license shall in no event be issued for a period in excess of 6 months; *however, it may be renewed one time for a period not in excess of 6 months under unusual circumstances beyond the control of the applicant and shall not be subject to renewal.*

(4) The provisional license may be suspended if periodic inspection made by the local licensing agency or the department indicates that insufficient progress has been made toward compliance.

Section 28. Section 402.313, Florida Statutes, is amended to read:

402.313 Family day care homes.—

(1) Family day care homes may be licensed under this act if they are presently being licensed under an existing county licensing ordinance or if the board of county commissioners passes a resolution that family day care homes be licensed. If not subject to license, family day care homes ~~shall register~~ *may report annually with to the department providing the following information: the name and address of the home, the name of the operator, the number of children served, and the availability of emergency care.*

(2) This information shall be included in a directory to be published annually by the department to inform the public of available child care facilities.

(3) *Child care personnel in family day care homes shall be subject to the applicable screening provisions contained in ss. 402.305(1)(a) and 402.3055.*

(4) *Operators of family day care homes shall take an approved 3-clock-hour introductory course in child care.*

~~(5)(2)~~ Family day care home operators may avail themselves of supportive services offered by the department.

(6) *The department shall prepare a brochure on family day care for distribution by the department and by local licensing agencies, if appropriate, to family day care homes for distribution to parents utilizing such child care, and to all interested persons, including physicians and other health professionals, mental health professionals, school teachers or other school personnel, social workers or other professional child care, foster care, residential or institutional workers, or law enforcement officers. The brochure shall, at a minimum, contain the following information:*

*(a) A brief description of the requirements for family day care registration, training, and fingerprinting and screening.*

*(b) A listing of those counties that require licensure of family day care homes. Such counties shall provide an addendum to the brochure that provides a brief description of the licensure requirements or may provide a brochure in lieu of the one described in this subsection, provided it contains all the required information on licensure and the required information in the subsequent paragraphs.*

(c) A statement indicating that information about the family day care home's compliance with applicable state or local requirements can be obtained by telephoning the department office or the office of the local licensing agency, if appropriate, at a telephone number or numbers which shall be affixed to the brochure.

(d) The statewide toll-free telephone number of the Florida Abuse Registry, together with a notice that reports of suspected and actual child physical abuse, sexual abuse and neglect are received and referred for investigation by the registry.

(e) Any other information relating to competent child care that the department or local licensing agency, if preparing a separate brochure, deems would be helpful to parents and other caretakers in their selection of a family day care home.

(7) On an annual basis, the department shall prepare an evaluation of the registration and licensure system for family day care homes which shall, at a minimum, address the following:

(a) Number of family day care homes registered and licensed and the dates of such registration and licensure.

(b) Number of children being served in both registered and licensed family day care homes and any available slots in such homes.

(c) Number of complaints received concerning family day care, the nature of the complaints, and the resolution of such complaints. This shall include information concerning child abuse and neglect reports as well as other complaints received.

(d) Training activities utilized by child care personnel in family day care homes for meeting the state or local training requirements.

The evaluation shall be submitted to the Speaker of the House of Representatives and the President of the Senate no later than March 1 of each year. The evaluation shall be utilized by the department in any administrative modifications or adjustments to be made in the registration of family day care homes or in any legislative requests for modifications to the system of registration or to other requirements for family day care homes.

(8) In order to inform the public of the state requirement for registration of family day care homes as well as the other requirements for such homes to legally operate in the state, the department shall institute a media campaign to accomplish this end. Such a campaign shall include, at a minimum, flyers, newspaper advertisements, radio advertisements, and television advertisements.

Section 29. Section 402.314, Florida Statutes, is amended to read:

402.314 Supportive services.—The department shall provide consultation services, technical assistance, and inservice training, when requested and as available, to operators, licensees, registrants, and applicants to help improve programs, homes, and facilities for child care, and shall work cooperatively with other organizations and agencies concerned with child care.

Section 30. Section 402.315, Florida Statutes, as amended by chapter 84-551, Laws of Florida, is amended to read:

402.315 Funding; license fees.—

(1) If the county designates a local agency to be responsible for the licensing of child care facilities, the county shall bear at least 75 percent of the costs involved.

(2) The department shall bear the costs of the licensing of child care facilities when contracted to do so by a county or when directly responsible for licensing in a county which fails to meet or exceed state minimum standards.

(3) The department shall collect a fee for any license it issues for a child care facility pursuant to s. 402.308. Such fee shall be \$1 per child, except that the minimum fee shall be \$25 per center and the maximum fee shall be \$100 per center.

(4) Any county may collect a fee for any license it issues pursuant to s. 402.308.

Section 31. Subsection (1) of section 402.316, Florida Statutes, as amended by chapter 84-551, Laws of Florida, is amended to read:

402.316 Exemptions.—

(1) The provisions of ss. 402.301-402.319, except for the requirements regarding screening of child care personnel, shall not apply to a child care facility which is an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation. However, such facilities shall meet minimum requirements of the applicable local governing body as to health, sanitation, and safety and shall meet the screening requirements pursuant to ss. 402.305 and 402.3055. Failure by a facility to comply with such screening requirements shall result in the loss of the facility's exemption from licensure.

(2) Any county or city with state or local child care licensing programs in existence on July 1, 1974 will continue to license the child care facilities as covered by such programs, notwithstanding the provisions of subsection (1), until and unless the licensing agency makes a determination to exempt them.

(3) Any child care facility covered by the exemption provisions of subsection (1), but desiring to be included in this act, is authorized to do so by submitting notification to the department. Once licensed, such facility cannot withdraw from the act and continue to operate.

Section 32. Section 402.319, Florida Statutes, as created by chapter 84-551, Laws of Florida, is amended to read:

402.319 Penalties.—

(1) It shall be a misdemeanor of the first ~~felony of the third degree~~, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to:

(a)(1) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment or licensure regulated under ss. 402.301-402.318 a material fact used in making a determination as to such person's qualifications to be an owner, operator, employee, or volunteer in a child care facility or other child care program.

(b)(2) Operate or attempt to operate a child care facility without having procured a license as required by this act.

(c)(3) Operate or attempt to operate a child care facility under a license that is suspended, revoked, or terminated.

(d)(4) Represent, by act or omission, a child care facility to be duly licensed pursuant to this act without being so licensed.

(e) Operate or attempt to operate a family day care home without a license or without registering with the department, whichever is applicable.

(f) Use records information for purposes other than screening for employment as specified in ss. 402.301-402.318 or release of such information to other persons for purposes other than screening for employment as specified in ss. 402.301-402.318.

(2) It shall be a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use juvenile records information for any purposes other than specified in ss. 402.305 and 402.3055 or to release such information to other persons for purposes other than specified in ss. 402.305 and 402.3055.

Section 33. Section 402.3195, Florida Statutes, is created to read:

402.3195 Legislative intent; definition; Child Care Facility Trust Fund; loan program.—

(1) The Legislature finds and declares that the development of child care facilities is desirable and recommended and should be encouraged and fostered by the state. The Legislature further recognizes that the demand for child care services will be increasing as a greater percentage of the mothers of children under age 6 enter the labor force each year. The capital outlay required to establish a new child care facility or expand an existing child care facility makes it very difficult for child care providers to recover their investment while providing good quality care at a price that customers can afford to pay. Therefore, it is the intent of the Legislature to develop a loan trust fund to provide support and encouragement in the establishment and expansion of child care facilities.

(2) As used in this section, "child care facility" is a facility as defined in s. 402.302(4).

(3) There is created a Child Care Facility Trust Fund in the State Treasury to be used by the Department of Health and Rehabilitative Services for the purpose of granting loans to eligible applicants for the costs of expanding existing child care facilities and establishing new child care facilities. There shall be deposited into the fund all moneys appropriated by the Legislature or moneys received from any other source for the purpose of this section and all proceeds derived from the use of such moneys; however, interest earned on loans made from the fund as well as income earned by the fund invested pursuant to s. 215.535 shall revert to the Child Care Facility Trust Fund and shall be used by the department to cover administrative and personnel costs incurred in implementing the provisions of this section. Any interest earned on loans or income from the invested fund not required for the administration or implementation of this section shall revert to the Child Care Facility Trust Fund.

(4) The department shall issue requests for proposals to establish or expand child care facilities in areas of the state with the greatest need for child care facilities. To be eligible to receive a loan, applicants shall:

(a) Submit a proposal which meets the requirements of the request for proposal issued by the department.

(b) Be of good moral character as determined through screening as defined in ss. 402.301-402.319.

(c) Agree to comply with all applicable licensing requirements contained in ss. 402.301-402.319.

(d) Agree to make available up to 25 percent of the facility's child care slots for child care which is purchased by the department through central agencies, if a need and funding for such care exists.

No loan shall exceed \$100,000.

(5) In addition to any terms or conditions which the department may require, each loan agreement shall include:

(a) Provision for interest, which shall be set at 5 percent per annum.

(b) Provision for a schedule for the repayment of principal and interest upon terms not to exceed 10 years.

(c) Provisions for reasonable security for the loan to ensure the repayment of the principal and any interest accrued within the term specified.

(d) Provisions to ensure that the land acquired shall be utilized for the development or expansion of a child care facility.

The department is authorized to adopt rules necessary to establish terms and conditions that will ensure that the purposes of this section are carried out and the state's interests are adequately protected. The department shall submit to the Governor and the Legislature by June 30 an annual report with complete details of the amount loaned, interest earned, loan recipients, number of children cared for, and the balances on all loans outstanding at the end of each fiscal year. In the event of default on a loan, the department is empowered on behalf of the state to foreclose on any mortgage or security interest or commence any legal action to protect the interest of the state and recover the amount of the unpaid principal and accrued interest on behalf of the fund. The lending authority granted to the department under this section shall expire June 30, 1988. All unencumbered and repaid funds after this date shall revert and be transferred to the General Revenue Fund of the state, unallocated. Loan payments received in the fund after June 30, 1988, shall revert and be transferred to the General Revenue Fund, unallocated, as they are received.

#### Section 34. Advisory council on child care; members; duties; expenses.

(1) There is created within the Department of Health and Rehabilitative Services an advisory council on child care. The council shall consist of 15 members to be appointed by the Secretary of Health and Rehabilitative Services as follows:

(a) Six members of the council shall be child care training specialists: one from a university program in early childhood education or home economics, one from a community college training program in child care, one

from a vocational-technical school training program in child care, one from the Child Development Associate program, one from the Head Start Resource Support Center, and one from a university-based or community-college-based program in preschool education for the handicapped.

(b) Three members of the council shall be licensed child care operators: one from the Florida Association of Child Care Management, one from the Florida Association for the Education of Children under Six, and one from the Association of Community Coordinated Child Care (4-C) Providers.

(c) Two members of the council shall be representatives of local licensing agencies or county health department licensing units.

(d) Two members of the council shall be parents of children enrolled in day care.

(e) Two members of the council shall be lay citizens who are not child care facility operators.

The initial members of the council shall be appointed within 30 days of the effective date of this act, eight to serve for a term of 2 years and seven to serve for a term of 1 year. Thereafter, all members shall be appointed to serve 2-year terms.

(2) The functions of the council shall be to:

(a) Review, evaluate, and advise the department concerning revisions, if needed, in rules affecting child day care facilities and family day care homes.

(b) Review and evaluate representative child care training programs, and advise the secretary concerning improvements or revisions, if needed, in child care training requirements or the content of training programs.

(c) Investigate the feasibility of requiring 3 hours of direct observation in an approved model child care facility as a prerequisite to employment in a child care facility. Such model facilities may be approved by the council in conjunction with the department or local licensing officials.

(d) Recommend legislation, if needed, affecting child day care.

(e) Recommend improvements, if needed, in the administration of licensing and training of licensing inspectors.

(f) Report annually to the secretary, the President of the Senate, and the Speaker of the House of Representatives.

(3) Members of the council shall receive no compensation, but shall be reimbursed for expenses as provided in s. 112.061, Florida Statutes.

Section 35. Paragraph (a) of subsection (4), paragraphs (a), (b), (c), and (d) of subsection (5), paragraph (b) of subsection (6), and subsections (8), (9), and (11) of section 409.175, Florida Statutes, 1984 Supplement, are amended, paragraph (f) of subsection (2) is redesignated as paragraph (i) and new paragraphs (f), (g), (h), and (j) are added to said subsection, paragraphs (d) through (h) of subsection (5) are redesignated as paragraphs (h) through (l), respectively, and new paragraphs (d) through (g) are added to said subsection, to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(2) As used in this section, the term:

(f) "Operator" means any on-site person ultimately responsible for the overall operation of a child-placing agency, family foster home, or residential child-caring agency, whether or not he is the owner or administrator of such an agency or home.

(g) "Owner" means the person who is licensed to operate the child-placing agency, family foster home, or residential child-caring agency.

(h) "Personnel" means all owners, operators, employees, and volunteers working in a child-placing agency, family foster home, or residential child-caring agency who may be employed by or do volunteer work for a person, corporation or agency which holds a license as a child-placing agency or a residential child-caring agency but does not include those who do not work on the premises where child care is furnished and either have no direct contact with children or have no contact with children outside of the presence of the child's parent or guardian. For purposes of screening, the term shall include any member, over

the age of 12 years, of the family of the owner or operator, or any person other than a client, over the age of 12 years, residing with the owner or operator if the agency or family foster home is located in or adjacent to the home of the owner or operator or if the family member of, or person residing with, the owner or operator has any direct contact with the children. Members of the family of the owner or operator, or persons residing with the owner or operator, who are between the ages of 12 years and 18 years shall not be required to be fingerprinted, but shall be screened for delinquency records. For purposes of screening, the term shall also include owners, operators, employees, and volunteers working in summer or recreation camps providing 24-hour care for children. A volunteer who assists on an intermittent basis for less than 40 hours per month shall not be included in the term "personnel" for the purposes of screening, provided that the volunteer is under direct and constant supervision by persons who meet the personnel requirements of this section.

(j) "Screening" means the act of assessing the background of personnel and includes, but is not limited to, employment history checks, checks of references, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this paragraph, statewide criminal records checks through the Department of Law Enforcement, federal criminal records checks through the Federal Bureau of Investigation, and abuse registry clearance.

(4)(a) The department shall promulgate and amend licensing rules for family foster homes, residential child-caring agencies, and child-placing agencies. The requirements for licensure and operation shall include:

1. The operation, conduct, and maintenance of these homes and agencies and the responsibility which they assume for children served and the evidence of need for that service.

2. The provision of food, clothing, educational opportunities, services, equipment, and individual supplies to assure the healthy physical, emotional, and mental development of the children served.

3. The appropriateness, safety, cleanliness, and general adequacy of the premises, including fire prevention and health standards, to provide for the physical comfort, care, and well-being of the children served.

4. The ratio of staff to children required to provide adequate care and supervision of the children served and, in the case of foster homes, the maximum number of children in the home.

5. The good moral character based upon screening, education, training, and experience requirements for personnel of persons responsible for the care and well-being of the children served. At a minimum, screening shall ensure that no personnel at a child-placing agency, family foster home, residential child-caring agency, or summer or recreation camp providing 24-hour care for children have been found guilty of, regardless of adjudication, or entered a plea of *nolo contendere* or guilty to, any felony prohibited under any of the following provisions of the Florida Statutes or under similar statutes of other jurisdictions:

- a. Section 782.04, relating to murder.
- b. Section 782.07, relating to manslaughter.
- c. Section 782.071, relating to vehicular homicide.
- d. Section 782.09, relating to killing of an unborn child by injury to the mother.
- e. Section 784.011, relating to assault, if the victim of the offense was a minor.
- f. Section 784.021, relating to aggravated assault.
- g. Section 784.03, relating to battery, if the victim of the offense was a minor.
- h. Section 784.045, relating to aggravated battery.
- i. Section 787.01, relating to kidnapping.
- j. Section 787.02, relating to false imprisonment.
- k. Section 787.04, relating to removing children from the state or concealing children contrary to court order.
- l. Section 794.011, relating to sexual battery.

m. Section 794.041, relating to prohibited acts of persons in familial or custodial authority.

n. Chapter 796, relating to prostitution.

o. Section 798.02, relating to lewd and lascivious behavior.

p. Chapter 800, relating to lewdness and indecent exposure.

q. Section 806.01, relating to arson.

r. Section 812.13, relating to robbery.

s. Section 826.04, relating to incest.

t. Section 827.03, relating to aggravated child abuse.

u. Section 827.04, relating to child abuse.

v. Section 827.05, relating to negligent treatment of children.

w. Section 827.071, relating to sexual performance by a child.

x. Section 827.09, relating to abuse, neglect, or exploitation of aged or disabled persons.

y. Chapter 847, relating to obscene literature.

z. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony or if any other person involved in the offense was a minor.

For purposes of this subparagraph, a finding of delinquency or a plea of *nolo contendere* or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of other jurisdictions, for any of the foregoing acts, has the same effect as a finding of guilt, regardless of adjudication or disposition. Such screening shall also ensure that the person has not been judicially determined to have committed abuse against a child as defined in s. 39.01(2) and (7), or to have a substantiated indicated report of abuse as defined in s. 415.503 or to have committed an act which constitutes domestic violence as defined in s. 741.30. For misdemeanors prohibited under any of the foregoing Florida Statutes or under similar statutes of other jurisdictions or for judicial determinations of abuse, substantiated indicated reports of abuse, or commissions of domestic violence used for disqualification of a person from working with children, the department may grant an exemption from such a disqualification if the department has clear and convincing evidence to support a reasonable belief that the person is of good character as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of children. The decision of the department regarding an exemption may be contested through the hearing procedures set forth in this section.

6. The provision of preservice and inservice training for all foster parents and agency staff.

7. Satisfactory evidence of financial ability to provide care for the children in compliance with licensing requirements.

8. The maintenance by the agency of records pertaining to admission, progress, health, and discharge of children served, including written case plans and reports to the department.

9. The provision for parental involvement to encourage preservation and strengthening of a child's relationship with his family.

10. The transportation safety of children served.

11. The provisions for safeguarding the cultural, religious, and ethnic values of a child.

12. Provisions to safeguard the legal rights of children served.

(5)(a) An application for a license shall be made on forms provided, and in the manner prescribed, by the department. The department shall make a determination as to the good moral character of the applicant based upon screening.



(b) Upon application, the department shall conduct a licensing study based on its licensing rules; shall inspect the home or the agency and the records, including financial records, of the agency; and shall interview the applicant. The department may authorize a licensed child-placing agency to conduct the licensing study of a family foster home to be used exclusively by that agency and to verify to the department that the home meets the licensing requirements established by the department. Upon certification by a licensed child-placing agency that a family foster home meets the licensing requirements, the department shall issue the license. ~~However, the study and verification do not eliminate the requirement that each such home be licensed.~~

(c)1.a. As a prerequisite to the renewal during calendar year 1986 of an existing license for the operation of a foster family home, a child-placing agency or a residential child-caring agency, the applicant for licensure shall submit to the department a complete set of fingerprints, taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints, for all personnel at the applicant family foster home or agency. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation. ~~The department may require that an applicant, as part of the application process, authorize an investigation to determine whether the applicant has ever been charged with a crime and, if so, the disposition of those charges or whether there is a founded report of child abuse by the applicant. The department may request and obtain such information from any local, state, or federal agency.~~

b. The department shall review the records of the personnel at the applicant family foster home or agency with respect to the crimes contained in subparagraph (4)(a)5. and shall notify the family foster home or agency of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

2. After January 1, 1987, a licensed family foster home, child-placing agency or residential child-caring agency which applies for renewal of its license shall submit to the department a list of personnel who have worked on a continuous basis at the applicant family foster home or agency since submitting fingerprints to the department, identifying those personnel who have recently begun working at the family foster home or agency and are awaiting the results of the required fingerprint check, along with the date of the submission of those fingerprints for processing. The department shall by rule determine the frequency of requests to the Department of Law Enforcement to run state criminal records checks for such personnel except for those personnel awaiting the results of initial fingerprint checks for employment at the applicant family foster home or agency. The department shall review the records of the personnel at the applicant family foster home or agency with respect to the crimes contained in subparagraph (4)(a)5. and shall notify the family foster home or agency of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

3. Prior to renewal of a license during calendar year 1986, the applicant shall sign an affidavit under penalty of perjury stating that all personnel at the applicant family foster home or agency at the time of license renewal have been fingerprinted pursuant to this subsection. After January 1, 1987, the applicant shall sign an affidavit under penalty of perjury stating that all new personnel have been fingerprinted and that the remaining personnel of the family foster home or agency have worked at the applicant family foster home or agency on a continuous basis since being initially screened at that family foster home or agency.

(d) After January 1, 1986, as a prerequisite for issuance of the initial license to a family foster home, child-placing agency, or residential child-caring agency:

1. The applicant shall submit to the department a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints, for the operator of the family foster home or agency;

2. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation; and

3. The department shall review the record of the operator with respect to the crimes contained in subparagraph (4)(a)5. and shall notify the applicant of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the operator, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

(e)1. After January 1, 1986, personnel of a family foster home or agency shall, within 5 working days after starting to work at the family foster home or agency, submit to the family foster home or agency for submission, within 48 hours, to the department a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints. Personnel of summer or recreation camps providing 24-hour care for children shall submit to the department a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation. The department shall review the person being screened with respect to the crimes contained in subparagraph (4)(a)5. and shall notify the family foster home, agency, or summer or recreation camp providing 24-hour care for children of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department.

2. Under the penalty of perjury, such personnel shall attest to compliance with the requirements for good moral character as contained in paragraph (4)(a).

3. New personnel shall be on a probationary status pending a determination of compliance with minimum standards for good moral character. Such new personnel found not to be in compliance shall be automatically terminated from employment by the family foster home, agency, or summer or recreation camp providing 24-hour care for children.

4. The department, upon request of the family foster home, agency, or summer or recreation camp, shall provide written assurance of compliance with this section for new personnel who have been fingerprinted and screened for the family foster home, agency, or summer or recreation camp at which they previously worked. However, if the person has been unemployed for more than 60 days, screening shall be required.

(f) The costs of processing fingerprints and the state criminal records checks shall be borne by the applicant or the personnel who are being screened.

(g)1. The department may pursue other remedies provided in this section in addition to denial or revocation of a license for failure to comply with the screening requirements. The disciplinary actions determination to be made by the department and the procedure for hearing for applicants and licensees shall be in accordance with chapter 120.

2. When the department has reasonable cause to believe that grounds for denial or termination of employment exist, it shall notify, in writing, the applicant, licensee, or summer or recreation camp, and the personnel affected, stating the specific record which indicates non-compliance with the screening requirements of subparagraph (4)(a)5.

3. Procedures established for hearing under chapter 120 shall be available to the applicant, licensee, or summer or recreation camp, and affected personnel who are hired on a permanent basis and are not on probationary status, in order to present evidence relating either to the accuracy of the basis for exclusion or to the denial of an exemption from disqualification.

4. The department shall provide procedures for contesting the accuracy of the records used as the basis of expulsion for employees on a probationary status.

5. Refusal on the part of an applicant to dismiss personnel who have been found not to be in compliance with the requirements for good moral character of personnel shall result in automatic denial or revocation of license in addition to any other remedies provided in this section which may be pursued by the department.

(h)(d) At the request of the department, the local county health unit shall inspect a home or agency according to the licensing rules promulgated by the department. Inspection reports shall be furnished to the department within 30 days of the request. Such an inspection shall only be required where called for by the licensing agency.

(6)

(b) A provisional license may be issued when the applicant fails to meet licensing requirements in matters that are not of immediate danger to the children and the agency has submitted a corrective action plan which is approved by the department. *No provisional license may be issued unless the applicant is in compliance with the requirements for screening of personnel in this section.*

(8)(a) The department may deny, suspend, or revoke a license.

(b) Any of the following actions by a home or agency or its *personnel* ~~employee~~ is a ground for denial, suspension, or revocation of a license:

1. An intentional or negligent act materially affecting the health or safety of children in the home or agency.

2. A violation of the provisions of this section or of licensing rules promulgated pursuant to this section.

3. *Noncompliance with the requirements for good moral character as specified in subparagraph (4)(a)5. A ~~founded report of child abuse or a conviction of any crime related to the care or well-being of children.~~*

4. *Failure to dismiss personnel found in noncompliance with requirements for good moral character.*

(9)(a) The department may institute injunctive proceedings in a court of competent jurisdiction to:

1. Enforce the provisions of this section or any license requirement, rule, or order issued or entered into pursuant thereto; or

2. Terminate the operation of an agency in which any of the following conditions exist:

a. The licensee has failed to take preventive or corrective measures in accordance with any order of the department to maintain conformity with licensing requirements.

b. If there is a violation of any of the provisions of this section, or of any licensing requirement promulgated pursuant to this section, which violation threatens harm to any child or which constitutes an emergency requiring immediate action.

3. *Terminate the operation of a summer or recreation camp providing 24-hour care for children when such camp has willfully and knowingly refused to comply with the screening requirements for personnel or has refused to terminate the employment of personnel found to be in noncompliance with the requirements for good moral character as determined in subparagraph (4)(a)5.*

(b) If the department finds, within 30 days after written notification by registered mail of the requirement for licensure, that a person or agency continues to care for or to place children without a license, or within 30 days after written notification by registered mail of the requirement for screening of personnel and compliance with subparagraph (4)(a)5. for the hiring and continued employment of personnel, that a summer or recreation camp continues to provide 24-hour care for children without complying, the department shall notify the appropriate state attorney of the violation of law and, if necessary, shall institute a civil suit to enjoin the person or agency from continuing the placement or care of children or to enjoin the summer or recreation camp from continuing the 24-hour care of children.

(c) Such injunctive relief may be temporary or permanent.

(11)(a) It is unlawful for any person or agency to:

1. Provide continuing full-time care for or to receive or place a child apart from his parents in a residential group care facility, family foster home, or adoptive home without a valid license issued by the department if such license is required by subsection (4); or

2. Make a willful or intentional misstatement on any license application or other document required to be filed in connection with an application for a license.

(b) *It is unlawful for any person, agency, or summer or recreation camp providing 24-hour care for children to willfully or intentionally fail to comply with the requirements for the screening of personnel or the dismissal of personnel found not to be in compliance with the requirements for good moral character as specified in subparagraph (4)(a)5.*

(c) *It is unlawful for any person, agency, or summer or recreation camp providing 24-hour care for children to use records information for purposes other than screening for employment as specified in this section or to release such information to other persons for purposes other than screening for employment as specified in this section.*

(d)(b)1. A first violation of paragraph (a), paragraph (b) or paragraph (c) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A second or subsequent violation of paragraph (a), paragraph (b) or paragraph (c) is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(e) *It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person, agency, or summer or recreation camp providing 24-hour care for children willfully, knowingly, or intentionally to use juvenile records information for any purposes other than specified in this section or to release such information to other persons for purposes other than specified in this section.*

Section 36. Paragraph (b) of subsection (1), paragraphs (a) and (b) of subsection (2), subsection (8), and paragraph (c) of subsection (9) of section 409.176, Florida Statutes, 1984 Supplement, are amended, and paragraphs (c) and (d) are added to subsection (12) of said section, to read:

409.176 Registration of residential child-caring agencies.—

(1)

(b) For the purposes of this section, the terms "child," "screening," and "residential child-caring agency" are defined as provided in s. 409.175(2), and the terms "personnel," "operator," and "owner" as they pertain to "residential child-caring agency" are defined as provided in s. 409.175.

(2)(a) Registration shall consist of annually filing with the department, on forms provided by the department, the name and address of the facility; the capacity of, and the number of children being cared for in, the facility; the names and addresses of the officers and the board of directors or other governing body of the organization; the name of the officer or person in charge of the facility; and proof that the facility is in compliance with the minimum fire, health, sanitary, and safety standards required by applicable state law or local ordinance and in compliance with the requirements for screening of personnel in s. 409.175. A separate registration form shall be filed for each such facility. Licensing under the provisions of s. 409.175 constitutes registration for the purpose of this section.

(b) As part of the registration application, each child-caring agency shall annually provide to the department the names and ages of children being cared for in the facility; the names of children who have been received from out of state or who have been sent out of state during the past calendar year; the names of children who have left the facility during the past year, the lengths of their stays, and the nature of the placements; the names of all personnel; and proof that the facility is in compliance with published minimum standards that are filed with the department under the provisions of paragraph (5)(b). The agency shall also attest to the good moral character of the personnel staff of the facility by providing proof of compliance with the screening requirements of s. 409.175 and provide the name of any member of the staff having a prior felony conviction.

(8) The provisions of chapter 827 and chapter 415 regarding child abuse and neglect and the provisions of s. 409.175 regarding screening apply to any facility registered under this section.

(9) The department may deny, suspend, or revoke the registration of a Type II facility which:

(c) Violates the provisions of chapter 827 or chapter 415 regarding child abuse and neglect or the provisions of s. 409.175 regarding screening.

(12) It is unlawful for any person or agency to:

(c) *Use records information for purposes other than screening for employment as specified in this section or release such information to other persons for purposes other than screening for employment as specified in this section.*

(d) Use juvenile records information for any purposes other than specified in this section or to release such information to other persons for purposes other than specified in this section.

A violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, except a violation of paragraph (d) which shall be a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 37. Paragraph (c) of subsection (4) of section 415.504, Florida Statutes, 1984 Supplement, is amended and paragraphs (d) and (e) are added to said subsection to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; abuse registry.—

(4)(a) The department shall establish and maintain a central abuse registry which shall receive reports made pursuant to this section in writing or through a single statewide tollfree telephone number which any person may use to report known or suspected child abuse or neglect at any hour of the day or night, any day of the week. The abuse registry shall be operated in such a manner as to enable the department to:

1. Immediately identify and locate prior reports or cases of child abuse or neglect.

2. Regularly evaluate the effectiveness of the department's program for abused and neglected children through the development and analysis of statistical and other information.

(b) Upon receiving an oral or written report of known or suspected child abuse or neglect, the abuse registry shall immediately notify the local office of the department with respect to the report, any previous report concerning a subject of the present report, or any other pertinent information relative thereto.

(c) Upon completion of its investigation, the local office of the department shall classify reports as "indicated" or "unfounded." At this time the department shall notify the parent or guardian of the child, the child if appropriate, and the alleged perpetrator if other than the child's parent or guardian, of the completion of its investigation of the report and whether the report is classified as "indicated" or "unfounded." All identifying information in the abuse registry or other computer systems or records that is maintained in unfounded reports shall be expunged within 30 days after the case is classified as unfounded. All identifying information in the abuse registry maintained in indicated reports shall be expunged from the registry 7 years from the date of the last indicated report concerning the same child, siblings, or the same perpetrator. All information, other than identifying information, maintained in indicated or unfounded reports at the time of expunction shall be disposed of in a manner deemed appropriate by the department and pursuant to ss. 119.041 and 267.051(6). Nothing in this section is intended to require the expunction or destruction of case records or information required by the Federal Government to be retained for future audit.

(d) At any time subsequent to the completion of the department's investigation, any subject of an indicated report may request the secretary to amend or expunge the case record and all identifying information in the abuse registry or other computer systems or records pertaining to that report on the grounds that the record is inaccurate or is being maintained in a manner inconsistent with ss. 415.501-415.514. If the secretary refuses or does not act within 30 days after receiving such a request, the subject shall have the right to an administrative hearing to contest whether the record of the report should be amended or expunged.

(e) Nothing in this section is intended to require the expunction or destruction of case records or information required by the Federal Government to be retained for future audit.

Section 38. Section 415.5095, Florida Statutes, is created to read:

415.5095 Intervention and treatment in sexual abuse cases; model plan.—

(1) The impact of sexual abuse on the child and family has caused the Legislature to determine that special intervention and treatment must be offered in certain cases so that the child can be protected from further abuse, the family can be kept together, and the abuser can benefit from treatment. To further this end, it is the intent of the Legislature that special funding shall be available in those communities where agencies and professionals are able to work cooperatively to effectuate intervention and treatment in intrafamily sexual abuse cases.

(2) The Department of Health and Rehabilitative Services shall develop a model plan for community intervention and treatment of intrafamily sexual abuse in conjunction with the Department of Law Enforcement, the Department of Education, the Attorney General, the state Guardian Ad Litem Program, the Department of Corrections, representatives of the judiciary, and professionals and advocates from the mental health and child welfare community.

Section 39. Present subsections (4) and (5) of section 415.51, Florida Statutes, 1984 Supplement, are amended and renumbered as subsections (5) and (6), respectively, and present subsection (6) of said section is renumbered as subsection (7), and a new subsection (4) is added to said section to read:

415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(4) The department shall search its abuse registry records pursuant to the requirements of ss. 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 402.305(1), 402.3055, 409.175, and 409.176 for the existence of a substantiated indicated report made on the personnel as defined in the foregoing provisions. The department shall report the existence of any substantiated indicated report of abuse and advise the authorized licensing agency, applicant for license, or other authorized agency or person of the results of the search, the date of the report, and in the case of judicial determination of abuse, the procedure for inspection of court records as set forth in s. 39.411(3). Prior to a search being conducted, the department or its designee shall notify such person that an inquiry will be made. The department shall notify each person for whom a search is conducted of the results of the search upon request.

(5)(4) The department shall, with the written consent of a person applying to a licensed child-placing agency for the adoption of a child or for licensure as a foster home, search its abuse registry for the existence of an indicated report and advise the licensed child-placing agency of any such report found and the results of the investigation conducted pursuant thereto.

(6)(5) Except as provided in subsection (4), the department shall, with the written consent of a person applying to work with children as a volunteer or as a paid employee for a public or private nonprofit agency, search its abuse registry for the existence of an indicated report and shall advise such agency of any such report found and the results of the investigation conducted pursuant thereto.

(7)(6) The name of any person reporting child abuse or neglect shall not be released to any person other than employees of the department responsible for child protective services, the abuse registry, or the appropriate state attorney without the written consent of the person reporting. This does not prohibit the subpoenaing of a person reporting child abuse or neglect when deemed necessary by the state attorney or the department to protect a child who is the subject of a report, provided the fact that such person made the report is not disclosed. Any person who reports a case of child abuse or neglect may, at the time he makes the report, request that the department notify him that a child protective investigation occurred as a result of the report. The department shall mail such a notice to the reporter within 10 days of the completion of the child protective investigation.

Section 40. Subsections (1) and (2) of section 959.225, Florida Statutes, are amended to read:

959.225 Records; privileged information.—

(1) The Department of Health and Rehabilitative Services shall make records regarding the persons it serves pursuant to this chapter. Records pertaining to persons committed to or supervised by the department pursuant to a court order shall be preserved until the person reaches the age of 21. Records pertaining to all other children served pursuant to this chapter shall be preserved in accordance with rules and regulations promulgated by the secretary. The destruction of all records shall be subject to the provisions of the Florida Archives and History Act, chapter 267. Notwithstanding the foregoing requirements for record retention, records pertaining to a child found to have committed a delinquent act, regardless of the withholding of adjudication, which, if committed by an adult, would be a crime as specified in ss. 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 402.305(1), 409.175, and 409.176 shall not be destroyed unless that person has died in which case the applicable requirements for expungement of records shall apply.

(2) Records regarding children shall not be open to inspection by the public. Such records shall be inspected only upon order of the secretary of the Department of Health and Rehabilitative Services or his authorized agent by persons determined to have a sufficient reason and upon such conditions for their use and disposition as the secretary or his authorized agent may deem proper. The secretary or his authorized agent may permit properly qualified persons to inspect and make abstracts from records for statistical purposes under whatever conditions upon their use and disposition the secretary or his authorized agent may deem proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant. *For the purposes of determining compliance with personnel standards and requirements pursuant to ss. 110.1127, 393.0655, 394.457, 396.0452, 397.0715, 402.305, 402.3055, 409.175, and 409.176, the department shall release the following information to persons specified in those sections who have a need to know:*

(a) *Regardless of adjudication, if a child had been found to have committed a delinquent act which, if committed by an adult, would be a crime as specified in those sections cited; and*

(b) *If such a delinquent act had been committed, the date of the act and the specific act committed. If multiple acts had been committed, then information concerning each act shall be provided.*

Section 41. Every child care facility licensed under ss. 402.301-402.319, Florida Statutes, all secular nonpublic schools, and all day camps shall, at all times during the operation of the facility:

(1) Maintain a bond issued by a surety company admitted to do business in this state. The principal sum of the bond shall be \$100,000. The bond shall be in favor of the state for the benefit of any person injured as a result of the operation of the facility, home, agency or camp. The aggregate liability of the surety to all persons for all breaches of the conditions of the bond shall in no event exceed the amount of the bond. The bond shall be filed with the Department of Health and Rehabilitative Services.

(2) In lieu of maintaining the bond required in subsection (1), the facility, home, agency or camp may maintain a liability insurance policy in a face amount of \$100,000. The facility, home, agency or camp shall provide the Department of Health and Rehabilitative Services with proof, satisfactory to the department, of such insurance policy.

(3) In lieu of maintaining the bond required in subsection (1), the facility, home, agency or camp may deposit with the Department of Health and Rehabilitative Services \$100,000 in cash or securities such as may be legally purchased by savings banks or for trust funds of a market value of \$100,000 and which deposit shall be held by the department to satisfy any claims made with respect to such facility, home, agency or camp.

Section 42. Section 34 of this act is repealed on October 1, 1995, and the advisory council on child care shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 43. This act shall take effect July 1, 1985, or upon becoming a law, whichever occurs later.

**Amendment 2**—On page 1 in the title, line 1, through page 6, line 14, strike all of said lines and insert: A bill to be entitled An act relating to child care; amending s. 39.12, F.S.; prohibiting the destruction of records pertaining to children charged with committing certain delinquent acts with respect to the provision of care to minors or persons with developmental disabilities; providing for the sealing of such records and for their use; amending s. 110.1127, F.S.; providing conditions for disqualification from employment in certain child care programs; requiring security background investigations; requiring fingerprinting; providing a penalty; amending s. 393.062, F.S.; providing legislative intent; amending s. 393.063, F.S.; providing definitions; creating s. 393.0655, F.S.; establishing of minimum standards as to moral character for persons who work with or are likely to come into contact with persons who have developmental disabilities; providing that such standards shall ensure that no such person has been found guilty of certain crimes; providing for the submission of fingerprints; providing for payment of processing costs; providing for denial, suspension, and revocation of licenses; providing for administrative hearings; amending s. 393.066, F.S.; requiring day care service facilities to ensure minimum character standards are met; amending s. 393.067, F.S.; providing for submission and processing of fingerprints; amending s. 393.0673, F.S.; providing penalties; creating s.

393.0674, F.S.; providing penalties; amending s. 394.453, F.S.; providing legislative intent; amending s. 394.455, F.S.; providing definitions; amending s. 394.457, F.S.; establishing minimum standards as to moral character for mental health personnel and volunteers; providing that such standards shall ensure that no such person has been found guilty of certain crimes; providing for the submission of fingerprints; providing for payment of processing costs; providing for termination of employment for personnel who are not in compliance; providing for administrative hearings; providing penalties; amending s. 396.032, F.S.; providing definitions; amending s. 396.042, F.S.; providing for fingerprinting and background checks of alcoholism treatment personnel who work with, and of persons who are likely to come into contact with, certain minors; providing for submission of lists of such persons to the Department of Health and Rehabilitative Services; requiring that the alcohol treatment resource terminate the employment of any employee who is found to be in noncompliance with certain standards of good moral character; creating s. 396.0425, F.S.; establishing minimum standards as to good moral character for such persons; providing that such standards shall ensure that no such person has been found guilty of certain crimes; providing exemptions; providing for the submission of fingerprints; providing for payment of processing costs; providing for denial or termination of employment under certain circumstances; providing for administrative hearings; creating s. 396.0427, F.S.; providing penalties; amending s. 397.021, F.S.; providing definitions; amending s. 397.031, F.S.; requiring the Department of Health and Rehabilitative Services to ensure that persons who work with or who are likely to come in contact with minors being treated for drug abuse meet minimum standards for good moral character; creating s. 397.0715, F.S.; providing that such standards shall ensure that no such person has been found guilty of certain crimes; providing exemptions; providing for fingerprinting; providing for payment of processing costs; providing for termination of employment for persons not in compliance; creating s. 397.0716, F.S.; providing penalties; amending s. 397.081, F.S.; requiring fingerprints as a prerequisite to issuance of a license; amending s. 397.091, F.S.; requiring fingerprinting; amending s. 402.302, F.S.; providing definitions; amending s. 402.305, F.S.; providing that minimum standards for persons who work with or who are likely to come in contact with children in day care or other child care facilities shall ensure that such persons have not been found guilty of certain crimes; prescribing minimum age requirements and minimum training requirements; prescribing minimum standards for child discipline and plan of activities; amending s. 402.3055, F.S.; prescribing requirements for licensure and renewal; requiring fingerprints; providing for payment of processing costs; providing for denial, suspension, and revocation of licenses; amending s. 402.308, F.S.; providing for denial of license when personnel fail the required screening; restricting issuance of local occupational licenses; deleting monthly review procedure; amending s. 402.309, F.S.; prohibiting the issuance of provisional licenses under certain circumstances; amending s. 402.313, F.S.; requiring registration of family day care homes; providing for screening of persons associated with such homes; requiring brochures; requiring evaluations; amending s. 402.314, F.S.; conforming language; amending s. 402.315, F.S.; prescribing local funding requirements; amending s. 402.316, F.S.; limiting exemptions from licensure; amending s. 402.319, F.S.; revising penalties; creating s. 402.3195, F.S.; creating the Child Care Facility Trust Fund; establishing a loan program for expansion of existing child care facilities and establishment of new child care facilities; providing for issuance of requests for proposals; specifying conditions for loan agreements; authorizing adoption of rules; requiring an annual report; providing an expiration date; establishing an advisory council on child care to advise the Department of Health and Rehabilitative Services on matters relating to child day care; providing for appointment of members, terms, and duties; providing for annual reports; providing for expenses; amending s. 409.175, F.S.; providing definitions; providing for screening of personnel of family foster homes, residential child-caring agencies or summer or recreation camps, and child-placing agencies; requiring fingerprinting and criminal records checks of personnel prior to issuance or renewal of a license; providing a penalty; providing for costs; providing for denial, suspension, or revocation of license; providing for denial or termination of employment; providing procedures; providing for injunction to terminate operation of a summer or recreation camp; providing a penalty for unlawful operation thereof; providing a penalty for unlawful use of records; amending s. 409.176, F.S.; conforming provisions relating to registration of residential child-caring agencies; providing a penalty for unlawful use of records; amending s. 415.504, F.S.; requiring notice of completion of investigation of reports of child abuse or neglect and of the classification of such report; deleting the requirement for the expunction of information in the abuse registry; providing procedures for the expunction of information;

creating s. 415.5095, F.S.; requiring the Department of Health and Rehabilitative Services to adopt a model plan for community intervention and treatment of intrafamily sexual abuse; amending s. 415.51, F.S.; providing for a search of abuse registry records and providing for notice thereof; amending s. 959.225, F.S.; prohibiting the expungement of certain records relating to certain delinquent acts; providing for the release of certain information contained in such records; requiring maintenance of a bond or liability insurance policy; providing for review and repeal; providing an effective date.

Senator Fox moved the following amendment to House Amendment 1 which was adopted:

**Amendment 1**—On page 67, strike all of lines 11-13 and insert: is prohibited.

On motions by Senator Fox, the Senate concurred in House Amendment 1 as amended and in House Amendment 2 and the House was requested to concur in the Senate amendment to House Amendment 1.

CS for SB 489 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnson	Peterson
Barron	Gersten	Kirkpatrick	Plummer
Beard	Girardeau	Kiser	Scott
Carlucci	Gordon	Langley	Stuart
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jenne	Myers	
Fox	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Castor

On motion by Senator Fox, the rules were waived and CS for SB 489 was ordered immediately certified to the House.

#### SPECIAL ORDER

**SB 496**—A bill to be entitled An act relating to real estate brokerage transactions; amending s. 475.42, F.S.; clarifying the prohibition against a real estate salesman maintaining an action against a nonemployer for a commission or compensation in connection with a real estate brokerage transaction; amending s. 475.483, F.S.; prescribing conditions of eligibility for recovery from the Real Estate Recovery Fund; authorizing the Florida Real Estate Commission to pay attorney's fees and court costs with respect to certain claims; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote SB 496 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Barron	Gersten	Johnson	Neal
Beard	Girardeau	Kirkpatrick	Peterson
Carlucci	Gordon	Kiser	Plummer
Childers, D.	Grant	Malchon	Scott
Childers, W. D.	Grizzle	Mann	Stuart
Crawford	Hair	Margolis	Thomas
Dunn	Hill	Meek	Vogt
Fox	Jennings	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Jenne

**SB 675**—A bill to be entitled An act relating to the sale of alligator products; amending s. 372.6645, F.S.; changing permit requirement to a license requirement; deleting legislative intent; adding crocodilia products to the scope of the act; deleting reference to retail sales; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendments which were moved by Senator Kirkpatrick and adopted:

**Amendment 1**—On page 1, line 25, after "material" insert: or organs,

**Amendment 2**—In title, on page 1, line 7, strike "and permit fees"

**Senator Langley presiding**

On motion by Senator Kirkpatrick, by two-thirds vote SB 675 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Barron	Frank	Kirkpatrick	Plummer
Beard	Gersten	Kiser	Scott
Carlucci	Girardeau	Langley	Stuart
Childers, D.	Gordon	Malchon	Thomas
Childers, W. D.	Grant	Mann	Thurman
Crawford	Grizzle	Margolis	Vogt
Deratany	Hair	Meek	Weinstein
Dunn	Jennings	Myers	
Fox	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor, Jenne

**SB 299**—A bill to be entitled An act relating to the sale of tobacco products to minors; amending s. 859.06, F.S.; providing a prohibition against furnishing tobacco products to a minor or advising a minor to use tobacco products; providing penalties; amending s. 859.07, F.S.; providing enforcement duties of law enforcement officers; providing an effective date.

—was read the second time by title.

Senator Deratany moved the following amendment:

**Amendment 1**—On page 1, line 12, strike everything after the enacting clause and insert:

Section 1. Section 859.06, Florida Statutes, is amended to read:

859.06 Sale of tobacco products cigarettes and cigarette wrappers to minors.—No person shall sell, deliver, barter, furnish, or give away, directly or indirectly, to any minor, any cigarette, cigarette wrapper, or any other tobacco product substitute for either, or procure for, or persuade, advise, counsel, or compel any child under said age to smoke any cigarette. Any person who violates violating the provisions of this section is shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084.

Section 2. Section 859.07, Florida Statutes, is hereby repealed.

Section 3. This act shall take effect October 1, 1985.

Senators Jennings and Kiser offered the following amendment to Amendment 1 which was moved by Senator Jennings and adopted:

**Amendment 1A**—On page 1, line 20, before "Any person who" insert: As used in this section, the word "cigarette" includes clove cigarettes and tobacco substitutes.

The vote was:

Yeas—18

Childers, D.	Hill	Margolis	Scott
Childers, W. D.	Jennings	Meek	Stuart
Crawford	Johnson	Myers	Thomas
Grant	Kiser	Neal	
Hair	Malchon	Peterson	

Nays—8

Deratany	Frank	Grizzle	Thurman
Dunn	Girardeau	Mann	Vogt

Vote after roll call:

Nay to Yea—Vogt

Amendment 1 as amended was adopted.

Senator Deratany moved the following amendment which was adopted:

**Amendment 2**—In title, on page 1, lines 1-9, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the sale of tobacco products to minors; amending s. 859.06, F.S.; providing a prohibition against furnishing tobacco products to a minor; providing penalties; repealing s. 859.07, F.S.; relating to the duty of officers to enforce s. 859.06; providing an effective date.

Senators Jennings and Kiser offered the following amendment which was moved by Senator Jennings and adopted:

**Amendment 3**—In title, on page 1, line 5, before "providing an effective date." insert: providing that clove cigarettes and tobacco substitutes are included in the prohibition;

On motion by Senator Deratany, by two-thirds vote SB 299 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Beard	Gersten	Kirkpatrick	Neal
Childers, D.	Girardeau	Kiser	Plummer
Childers, W. D.	Grizzle	Langley	Scott
Crawford	Hair	Malchon	Thomas
Deratany	Hill	Mann	Thurman
Fox	Jennings	Margolis	Vogt
Frank	Johnson	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Dunn, Jenne

On motion by Senator Deratany, the Senate immediately reconsidered the vote by which SB 299 as amended passed this day.

On motion by Senator Deratany the rules were waived and the Senate reverted to—

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 664 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Criminal Justice and Representatives Evans-Jones and Webster—

**CS for HB 664**—A bill to be entitled An act relating to the sale of tobacco products to minors; amending s. 859.06, F.S.; providing a prohibition against furnishing tobacco products to a minor; providing penalties; repealing s. 859.07, F.S.; relating to the duty of officers to enforce s. 859.06; providing an effective date.

—was read the first time by title.

#### SPECIAL ORDER, continued

On motions by Senator Deratany, by two-thirds vote CS for HB 664, a companion measure, was substituted for SB 299 and by two-thirds vote read the second time by title.

Senator Jennings moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 20, after "any cigarette." insert: *As used in this section, the word "cigarette" includes clove cigarettes and tobacco substitutes.*

**Amendment 2**—In title, on page 1, line 5, after "minor;" insert: defining "cigarette";

On motion by Senator Deratany, by two-thirds vote CS for HB 664 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Dunn	Hair	Myers
Barron	Fox	Hill	Plummer
Beard	Frank	Jennings	Scott
Castor	Gersten	Johnson	Stuart
Childers, D.	Girardeau	Kirkpatrick	Thurman
Childers, W. D.	Gordon	Kiser	Vogt
Crawford	Grant	Langley	Weinstein
Deratany	Grizzle	Mann	

Nays—None

Vote after roll call:

Yea—Jenne, Neal

SB 299 was laid on the table.

**SB 631**—A bill to be entitled An act relating to the Florida Highway Patrol; providing for sale of Florida Highway Patrol mementos; providing for deposit of proceeds in an employee benefit fund; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote SB 631 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Beard	Gordon	Kiser	Plummer
Childers, D.	Grant	Langley	Scott
Childers, W. D.	Grizzle	Malchon	Thomas
Crawford	Hair	Mann	Thurman
Dunn	Hill	Margolis	Vogt
Fox	Jenne	Meek	Weinstein
Frank	Jennings	Myers	
Gersten	Johnson	Neal	
Girardeau	Kirkpatrick	Peterson	

Nays—None

Vote after roll call:

Yea—Castor

**SB 832**—A bill to be entitled An act relating to tax collectors; adjusting certain service fees collected by tax collectors; amending s. 319.32, F.S., relating to issuance, duplication or transfer of certificates of title; amending s. 320.04, F.S., relating to registration of motor vehicles; amending s. 320.065, F.S., relating to registration of certain rental trailers; amending s. 320.0815, F.S., relating to mobile homes and recreational vehicles license plates or stickers; amending s. 327.11, F.S., relating to vessel registration; amending s. 327.25, F.S., relating to vessel registration service fees; amending s. 328.03, F.S., relating to vessel certificates of title; amending s. 372.57, F.S., relating to fishing, hunting, and trapping licenses; amending s. 372.5712, F.S., relating to waterfowl stamps; amending s. 372.573, F.S., relating to permits to use commission lands; amending s. 372.60, F.S., relating to issuing duplicate licenses; amending s. 372.65, F.S., relating to freshwater fish or frog dealer's license; providing an effective date.

—was read the second time by title.

Senators McPherson, Mann and Kirkpatrick offered the following amendment which was moved by Senator Kirkpatrick and adopted:

**Amendment 1**—On page 6, line 16, strike "\$2" and insert: \$1

Senator Girardeau moved the following amendment which was adopted:

**Amendment 2**—On page 8, line 26, before the period (.) insert: , except that section 9, section 10, section 11, and section 12 shall take effect June 1, 1986.

On motion by Senator Girardeau, by two-thirds vote SB 832 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:



## Yeas—33

Mr. President	Frank	Johnson	Plummer
Barron	Gersten	Kirkpatrick	Scott
Beard	Girardeau	Kiser	Stuart
Carlucci	Gordon	Langley	Thurman
Childers, D.	Grant	Malchon	Vogt
Childers, W. D.	Grizzle	Margolis	Weinstein
Crawford	Hair	Meek	
Dunn	Hill	Myers	
Fox	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Neal

On motion by Senator Girardeau, the rules were waived and SB 832 after being engrossed was ordered immediately certified to the House.

On motion by Senator Malchon, the rules were waived and the Senate reverted to—

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 135 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Education, K-12 and Representative Friedman—

**CS for HB 135**—A bill to be entitled An act relating to elementary and secondary schools; providing legislative intent with respect to biological experimentation; providing state policy with respect to experiments conducted on living subjects; providing exemptions; providing a penalty; providing an effective date.

—was read the first time by title.

**SPECIAL ORDER, continued**

On motions by Senator Malchon, by two-thirds vote CS for HB 135, a companion measure, was substituted for CS for SB 133 and by two-thirds vote read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for HB 135 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—26

Barron	Dunn	Johnson	Scott
Carlucci	Frank	Kirkpatrick	Stuart
Castor	Gersten	Malchon	Thurman
Childers, D.	Girardeau	Margolis	Vogt
Childers, W. D.	Grant	Meek	Weinstein
Crawford	Hair	Peterson	
Deratany	Jennings	Plummer	

Nays—4

Gordon	Grizzle	Kiser	Myers
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Vote after roll call:

Yea—Fox, Jenne, Neal

Nay—Langley

CS for SB 133 was laid on the table.

**The President presiding**

**CS for SB 1152**—A bill to be entitled An act relating to appellate court filing fees; amending s. 25.241, F.S.; increasing Supreme Court filing fees; providing an exemption from the requirement to pay the Clerk of the Supreme Court a filing fee for the State of Florida when appearing as appellant or petitioner; amending s. 35.22, F.S.; providing a similar exemption with respect to payment of filing fees in the district courts of appeal; increasing district courts of appeal filing fees; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote CS for SB 1152 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—31

Mr. President	Frank	Jennings	Meek
Barron	Gersten	Johnson	Myers
Beard	Girardeau	Kirkpatrick	Plummer
Castor	Gordon	Kiser	Scott
Childers, D.	Grizzle	Langley	Stuart
Childers, W. D.	Hair	Malchon	Vogt
Crawford	Hill	Mann	Weinstein
Dunn	Jenne	Margolis	

Nays—None

Vote after roll call:

Yea—Fox, Neal

On motion by Senator Kiser—

**HB 1098**—A bill to be entitled An act relating to mechanics' liens; amending s. 713.10, F.S., changing the circumstances in which a lessor is subject to such liens; providing an effective date.

—a companion measure, was substituted for SB 1033 and read the second time by title.

The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator Kiser and adopted:

**Amendment 1**—On page 1, strike all of lines 19-23 and insert: interest of such lessor. *When the lease expressly provides that the interest of the lessor shall not be subject to liens for improvements made by the lessee, the lessee shall notify the contractor making any such improvements of such provision(s) in the lease, and the knowing or willful failure of the lessee to provide such notice to the contractor shall render the contract between the*

Senators Kiser and McPherson offered the following amendment which was moved by Senator Kiser and adopted:

**Amendment 2**—On page 2, between lines 13 and 14, insert new sections 2 and 3 to read:

Section 2. Subsections (1) and (2) of section 713.03, Florida Statutes, are amended to read:

## 713.03 Liens for professional services.—

(1) Any person who performs services as architect, landscape architect, *interior designer*, engineer or land surveyor, subject to compliance with and the limitations imposed by this part, shall have a lien on the real property improved for any money that shall be owing to him for his services in preparing plans, specifications or drawings used in connection with improving the real property or for his services in supervising any portion of the work of improving the real property, rendered in accordance with his contract and with the direct contract.

(2) Any architect, landscape architect, *interior designer*, engineer or land surveyor who has a direct contract and who in the practice of his profession shall perform services, by himself or others, in connection with a specific parcel of real property and subject to said compliances and limitations, shall have a lien upon such real property for the money owing to him for his professional services, regardless of whether such real property is actually improved.

Section 3. Section 713.79, Florida Statutes, is created to read:

**713.79 Liens for interior design services.**—Any person who as part of his services performed as an interior designer, furnishes any articles of furniture including, but not limited to, desks, tables, lamps, area rugs, wall hangings, photographs, paintings or other works of art or any items of furnishing, subject to compliance with and the limitations imposed by this part, shall have a lien upon all such articles furnished and upon all such articles manufactured or converted from such furnishing, provided that the same shall be tangible personal property, and provided further that such furnishings are rendered in accordance with a written contract and under direct contract with the owner.

(Renumber subsequent sections.)

Senator Vogt moved the following amendment which was adopted:

**Amendment 3**—On page 2, between lines 13 and 14, insert:

Section 2. Section 713.1355, Florida Statutes, is created to read:

## 713.1355 Building and dwelling permits.—

(1) For the purposes of this section, "dwelling" means any building or structure, or part thereof, which is occupied as a residence by a family, or is intended for occupancy by an individual or a family.

(2) When any person applies for a building permit for the construction of improvements or for the alteration or repair of improvements to a dwelling to be located on real property, the provisions of this section shall be in addition to those contained in s. 713.135, and shall govern such section to the extent of any inconsistency therewith.

(3) No county or municipality shall issue a building permit for such construction or improvements to a dwelling within the geographic limits of the issuing authority to any person other than the owner or his authorized agent, who is other than the contractor, unless the contractor is also the owner, unless the owner or such authorized agent, as evidenced by a written appointment of agency, has signed a statement of waiver allowing the contractor or the contractor's agent to apply for the building permit as provided herein. The signed, notarized statement of waiver shall be presented to the issuing authority along with the application for the building permit and shall become a part of the permit.

(4) The statement of waiver shall be sufficient if it is in substantially the following form:

## STATEMENT OF WAIVER

State of Florida

County of . . . .

Before me, the undersigned notary public, personally appeared . . . . ., who being duly sworn says that he is the owner of the real property described in the attached building permit application and that he hereby waives his right to apply for the building permit to . . . . ., whose address is . . . . . In waiving this right, the undersigned acknowledges that he has read and understands the following provisions of the Mechanics' Lien Law:

(a) That the Mechanics' Lien Law (chapter 713, part I, Florida Statutes) provides a method by which a contractor, subcontractor, sub-subcontractor, laborer, building material supplier, architect, landscape architect, engineer, or land surveyor may claim a lien on real property on which he has done work or to which he has furnished materials;

(b) That a lien is a charge or encumbrance on real property which must be satisfied by the property owner and "attachment" means that if a court finds a claim of lien valid, the owner's property may be seized and sold to satisfy the lien if it is not voluntarily paid;

(c) That the failure of the property owner to comply with the Mechanics' Lien Law can result in the property owner paying twice for building or property improvements: once to a contractor and again to a laborer, supplier, or subcontractor whom the contractor failed to pay; and

(d) That a "Notice of Commencement" must be filed, however the owner should check with the construction moneylender first as premature filing can affect the loan and a performance bond from the contractor may be required to protect the property owner.

. . . (Signature) . . .

Sworn to and subscribed before me this . . . . day of . . . . , 19. . . . . notary public . . . My Commission Expires . . . . .

(5) The statement of waiver may not be notarized by the contractor or any of his employees or agents.

(6) Errors or the omission of any of the details herein specified in the statement of waiver shall not affect the validity of such waiver if the trial court determines that the error or omission is not substantial.

(Renumber subsequent section.)

The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator Kiser and adopted:

**Amendment 4**—In title, on page 1, line 4, after the semicolon (;) insert: providing conditions under which a contract for improvements between a lessee and a contractor may be rendered voidable;

Senator Vogt moved the following amendment which was adopted:

**Amendment 5**—On page 1, line 4, after the semicolon (;) insert:

creating s. 713.1355, F.S.; providing a definition; providing additional requirements with respect to an application for a building permit for a dwelling; allowing persons other than the owner to apply for such permit; providing for a statement of waiver acknowledging certain provisions of the mechanics' lien law;

Senators Kiser and McPherson offered the following amendment which was moved by Senator Kiser and adopted:

**Amendment 6**—On page 1, line 4, after the semicolon (;) insert: amending s. 713.03, F.S., including interior design services within a group of professional services for which liens may attach; creating s. 713.79, F.S., creating a right of lien for certain interior design services;

On motion by Senator Kiser, by two-thirds vote HB 1098 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gersten	Kirkpatrick	Plummer
Beard	Girardeau	Kiser	Scott
Carlucci	Gordon	Langley	Stuart
Childers, W. D.	Grizzle	Mann	Thomas
Crawford	Hair	Margolis	Thurman
Deratany	Hill	Meek	Vogt
Fox	Jennings	Myers	Weinstein
Frank	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Castor, Dunn, Jenne, Neal

SB 1033 was laid on the table.

**CS for SB 713**—A bill to be entitled An act relating to financial responsibility; amending s. 324.031, F.S.; specifying the amount of any surety bond or deposit which must be met by certain persons to establish financial responsibility and requiring certain excess insurance under certain circumstances; amending s. 324.171, F.S.; providing different qualifications for self-insurance for private passenger and commercial vehicles; providing an effective date.

—was read the second time by title.

Senator Fox moved the following amendment:

**Amendment 1**—On page 1, line 14, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 627.732, Florida Statutes, is amended to read:

627.732 Definitions.—As used in ss. 627.730-627.7405:

(1) "Motor vehicle" means any self-propelled vehicle with four or more wheels which is of a type both designed and required to be licensed for use on the highways of this state and any trailer or semitrailer designed for use with such vehicle and includes:

(a) A "private passenger motor vehicle," which is any motor vehicle which is a sedan, station wagon, or jeep-type vehicle ~~not used at any time as a public or livery conveyance for passengers~~ and, if not used primarily for occupational, professional, or business purposes, a motor vehicle of the pickup, panel, van, camper, or motor home type.

(b) A "commercial motor vehicle," which is any motor vehicle which is not a private passenger motor vehicle.

The term "motor vehicle" does not include a mobile home or any motor vehicle which is used in mass transit or public school transportation and designed to transport more than five passengers exclusive of the operator of the motor vehicle and which is owned by a municipality, a transit or public school transportation authority, or a political subdivision of the state. *Further, the term "motor vehicle" does not, except for the purposes of s. 627.7372, include any motor vehicle of any type used as a taxicab or limousine.*

Section 2. Section 627.732, Florida Statutes, reads:

627.732 Collateral sources of indemnity.—

(1) In any action for personal injury or wrongful death arising out of the ownership, operation, use, or maintenance of a motor vehicle, the court shall admit into evidence the total amount of all collateral sources paid to the claimant, and the court shall instruct the jury to deduct from its verdict the value of all benefits received by the claimant from any collateral source.

(2) For purposes of this section, "collateral sources" means any payments made to the claimant, or on his behalf, by or pursuant to:

(a) The United States Social Security Act; any federal, state, or local income disability act; or any other public programs providing medical expenses, disability payments, or other similar benefits.

(b) Any health, sickness, or income disability insurance; automobile accident insurance that provides health benefits or income disability coverage; and any other similar insurance benefits except life insurance benefits available to the claimant, whether purchased by him or provided by others.

(c) Any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the costs of hospital, medical, dental, or other health care services.

(d) Any contractual or voluntary wage continuation plan provided by employers or any other system intended to provide wages during a period of disability.

(3) Notwithstanding any other provision of this section, benefits received under the Workers' Compensation Law shall not be considered a collateral source.

Section 3. Paragraph (a) of subsection (7) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority.—

(7) MENTAL AND PHYSICAL EXAMINATION OF INJURED PERSON; REPORTS.—

(a) Whenever the mental or physical condition of an injured person covered by personal injury protection is material to any claim that has been or may be made for past or future personal injury protection insurance benefits, such person shall, upon the request of an insurer, submit to mental or physical examination by a physician or physicians. The costs of any examinations requested by an insurer shall be borne entirely by the insurer. Such examination shall be conducted within the city of residence of the insured. If there is no qualified physician to conduct the examination within the city of residence of the insured, then such examination shall be conducted in an area of the closest proximity to the insured's residence. Personal protection insurers are authorized to include reasonable provisions in personal injury protection insurance policies for mental and physical examination of those claiming personal injury protection insurance benefits. *An insurer may not withdraw payment of a treating physician without the consent of the injured person covered by the personal injury protection, unless the insurer first obtains a report, recommending such, by a physician licensed under the same licensing chapter as the treating physician whose treating payment authorization is sought to be withdrawn.*

Section 4. Section 324.031, Florida Statutes, is amended to read:

324.031 Manner of proving financial responsibility.—The operator or owner of a vehicle may prove his financial responsibility by:

(1) Furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in s. 324.021(8) and s. 324.151, or

(2) Posting with the department a satisfactory bond of a surety company authorized to do business in this state, conditioned for payment of the amount specified in s. 324.021(7), or

(3) Furnishing a certificate of the department showing a deposit of cash or securities in accordance with s. 324.161, or

(4) Furnishing a certificate of self-insurance issued by the department in accordance with s. 324.171.

*Notwithstanding the amounts specified in s. 324.021(7) or s. 324.161, any person, including any firm, partnership, association, corporation, or other person, other than a natural person, electing to use subsection (2) or subsection (3) shall post a bond or deposit equal to the number of*

*vehicles owned times \$25,000 to a maximum of \$100,000 and, in addition, any such person, other than a natural person, shall maintain insurance providing coverage in excess of limits of \$10,000/20,000/5,000 or \$25,000 combined single limits and such excess insurance shall provide minimum limits of \$50,000/100,000/25,000 or \$100,000 combined single limits.*

Section 5. Section 324.171, Florida Statutes, is amended to read:

324.171 Self-insurer.—

(1) Any person may qualify as a self-insurer by obtaining a certificate of self-insurance from the department which may, in its discretion, upon application of such a person, issue said certificate of self-insurance, when such person has satisfied the requirements of this section to qualify as a self-insurer under this section:

(a) A private individual with private passenger vehicles shall possess a net unencumbered worth of at least \$40,000.

(b) A person, including any firm, partnership, association, corporation, or other person, other than a natural person, shall:

1. Possess a net unencumbered worth of at least \$40,000 for the first motor vehicle and \$20,000 for each additional motor vehicle; or

2. Maintain sufficient net worth, as determined annually by the department, pursuant to rules promulgated by the department, with the assistance of the Department of Insurance, to be financially responsible for potential losses. The rules shall take into consideration excess insurance carried by the applicant. The department's determination shall be based upon reasonable actuarial principles considering the frequency, severity and loss development of claims incurred by casualty insurers writing coverage on the type of motor vehicles for which a certificate of self-insurance is desired.

(2) The self-insurance certificate shall provide limits of liability insurance in the amounts specified under s. 324.021(7) and personal injury protection coverage under 627.733(3)(b) ~~it is satisfied that such person is possessed of a net unencumbered capital of at least \$40,000.~~

(3) The department may require annual reports from any self-insurer which reports must continue to demonstrate the applicable amount of ~~show at least \$40,000~~ unencumbered net worth. Whenever the department finds that any self-insurer does not possess the required amount ~~\$40,000~~ of unencumbered net worth, it shall revoke the certificate of self-insurance.

Section 6. This act shall take effect October 1, 1985.

Senator Fox moved the following amendment to Amendment 1 which was adopted:

**Amendment 1A**—On page 3, lines 7-31, and on page 4, lines 1-4, strike all of said lines

Amendment 1 as amended was adopted.

Senator Fox moved the following amendment:

**Amendment 2**—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 627.732, F.S.; excluding motor vehicles used as a taxicab or limousine from provisions of the Florida Motor Vehicle No-Fault Law; amending s. 627.736, F.S.; providing a method for an insurer to withdraw payment authorization;

Senator Fox moved the following amendment to Amendment 2 which was adopted:

**Amendment 2A**—On page 1, strike all of lines 15-17 and insert: Fault Law

Amendment 2 as amended was adopted.

On motion by Senator Grant, by two-thirds vote CS for SB 713 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Carlucci	Crawford	Gersten
Barron	Childers, D.	Deratany	Girardeau
Beard	Childers, W. D.	Fox	Gordon

Grant	Kirkpatrick	Meek	Stuart
Grizzle	Kiser	Myers	Thurman
Hair	Langley	Neal	Vogt
Jenne	Malchon	Peterson	Weinstein
Jennings	Mann	Plummer	
Johnson	Margolis	Scott	

Nays—1

Hill

Vote after roll call:

Yea—Castor, Dunn

On motions by Senator Scott, the rules were waived and by two-thirds vote HB 1240 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Scott—

**HB 1240**—A bill to be entitled An act relating to fiduciaries; amending s. 731.110, F.S., relating to caveat proceedings in probate; amending s. 731.201, F.S., providing definitions; amending s. 732.402, F.S., providing for exempt property; amending s. 733.702, F.S., providing that limitations on presentation of claims under the probate code shall not affect or prevent the filing of certain cross-claims or counterclaims; amending s. 733.703, F.S., prohibiting certain additional charges with respect to certain claims; amending s. 733.816, F.S., relating to the disposition of unclaimed property and funds held by personal representatives, allowing the representative to retain certain funds; amending s. 733.707, F.S., increasing the amount allowable for certain expenses payable by the personal representative; providing an effective date.

—a companion measure, was substituted for CS for SB 846 and read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1240 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gersten	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Mann	Thurman
Deratany	Hill	Margolis	Vogt
Fox	Jenne	Meek	Weinstein
Frank	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Castor, Dunn, Neal

CS for SB 846 was laid on the table.

**SB 721**—A bill to be entitled An act relating to economic development; amending s. 288.03, F.S.; authorizing the Division of Economic Development of the Department of Commerce to establish a Florida-Caribbean Basin initiative program; providing purpose of the program; providing authority to coordinate the program with certain federal programs; retroactively repealing s. 5, ch. 84-294, Laws of Florida, relating to a limitation on the use of state funds by the department; repealing s. 288.39(7), F.S., relating to a requirement that the department submit a report on small business programs of the division and to the termination of such programs under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Frank moved the following amendments which were adopted:

**Amendment 1**—On page 2, strike all of lines 16-22 and insert:

Section 2. Section 5 of chapter 84-294, Laws of Florida, and subsection (7) of section 288.39, Florida Statutes, as amended by chapter 84-294, Laws of Florida, are hereby repealed. The repeal of said provisions shall be deemed to ratify any expenditures made by the Department of Commerce after July 1, 1984.

Section 3. This act shall take effect upon becoming a law.

**Amendment 2**—On page 2, line 8, before “Caribbean” insert: *non-communist nations of the*

**Amendment 3**—On page 1, line 9, strike everything after the semicolon (;) and insert: repealing section 5 of chapter 84-294, Laws of Florida, relating to a limitation on the use of state funds by the department; repealing s. 288.39(7), F.S., relating to a requirement that the department submit a report on small business programs of the division and to the termination of such programs under certain circumstances; providing for the ratification of certain expenditures made by the department; providing an effective date.

On motion by Senator Frank, by two-thirds vote SB 721 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Johnson	Neal
Barron	Gersten	Kirkpatrick	Peterson
Beard	Girardeau	Kiser	Plummer
Carlucci	Gordon	Langley	Scott
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Mann	Thurman
Crawford	Hill	Margolis	Vogt
Deratany	Jenne	Meek	Weinstein
Fox	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Castor, Dunn

On motion by Senator Frank, the rules were waived and SB 721 after being engrossed was ordered immediately certified to the House.

On motions by Senator Grant, the rules were waived and by two-thirds vote CS for HB's 1122 and 805 was withdrawn from the Committees on Education and Appropriations.

On motions by Senator Grant—

**CS for HB's 1122 and 805**—A bill to be entitled An act relating to education; requiring certain male students applying for or receiving state funded scholarships or financial aid to show proof of compliance with selective service system registration requirements; providing penalties; providing for notification and appeal; providing an effective date.

—a companion measure, was substituted for CS for SB's 659 and 720 and by two-thirds vote read the second time by title.

Senator Grant moved the following amendment:

**Amendment 1**—On page 1, line 12, strike everything after the enacting clause and insert:

Section 1. (1) Each male applicant for or recipient of any scholarship or financial aid awarded under part IV of chapter 240, Florida Statutes, who is:

(a) A student attending a state university or community college; or

(b) A student attending a nonprofit college or university in this state that is accredited by a member of the Council on Postsecondary Accreditation, the credits of which are acceptable without qualification for transfer to a state university, which grants baccalaureate or associate degrees, which is not a pervasively sectarian institution, and which is located in and chartered by the state; shall within 6 months after his eighteenth birthday submit to the Department of Education an affidavit showing compliance with the selective service system registration requirements of Section 3 of the federal Military Selective Service Act. Such evidence may include a copy of the selective service system registration acknowledgement letter received from the selective service system. Falsification of such evidence shall result in the denial of any pending application or revocation of any award currently held to the extent that no further payments shall be made.

(2) If any male applicant for or recipient of any scholarship or financial aid awarded under part IV of chapter 240, Florida Statutes, fails to show proof of selective service system registration in the manner and within the time prescribed by the Department of Education, any pending application of such award shall be denied and any such award currently

held shall be revoked to the extent that no further payments shall be made. The Department of Education shall notify the chief executive officer of any institution at which a recipient of a scholarship or financial aid award so revoked is enrolled of its action. The Department of Education shall notify the applicant or recipient of any such award denied or revoked and shall give him the opportunity, either in person, in writing, or by counsel of his choice, to present evidence appealing such action.

Section 2. This act shall take effect July 1, 1985, or upon becoming a law, whichever occurs later.

Senator Gordon moved the following amendment to Amendment 1 which failed:

**Amendment 1A**—On page 2, line 19, insert:

Section 2. Each female applicant for or recipient of said scholarship or financial aid shall show proof of her registration as a voter within six months of her eighteenth birthday in order to qualify for such assistance.

(Renumber subsequent sections.)

Amendment 1 was adopted.

Senator Grant moved the following amendment which was adopted:

**Amendment 2**—On page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to education; requiring certain male students applying for or receiving state funded scholarships or financial aid to show proof of compliance with selective service system registration requirements; providing penalties; providing for notification and appeal; providing an effective date.

Senator Carlucci moved the following amendment which was adopted:

**Amendment 3**—On page 1, line 8, after the semicolon (;) insert: providing that persons who are in default on certain student loans are not eligible for employment by the state or any of its political subdivisions;

On motion by Senator Grant, by two-thirds vote CS for HB's 1122 and 805 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fox	Johnson	Peterson
Barron	Frank	Kirkpatrick	Plummer
Beard	Gersten	Kiser	Scott
Carlucci	Girardeau	Langley	Stuart
Castor	Gordon	Malchon	Thurman
Childers, D.	Grant	Mann	Vogt
Childers, W. D.	Grizzle	Margolis	Weinstein
Crawford	Hair	Meek	
Deratany	Hill	Myers	
Dunn	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB's 659 and 720 was laid on the table.

On motion by Senator Hair, the rules were waived and by two-thirds vote HB 1154 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hair—

**HB 1154**—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1985 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1985 shall be effective immediately upon publication; providing that general laws enacted during the 1983 regular and special legislative sessions and prior thereto and not included in the Florida Statutes 1985 are repealed; providing that general laws enacted during the 1984 regular and special sessions and the 1985 regular session are not repealed by this adoption act.

—a companion measure, was substituted for SB 914 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1154 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dunn	Johnson	Peterson
Barron	Frank	Kirkpatrick	Plummer
Beard	Gersten	Kiser	Scott
Carlucci	Girardeau	Langley	Stuart
Castor	Gordon	Malchon	Thurman
Childers, D.	Grizzle	Margolis	Vogt
Childers, W. D.	Hair	Meek	Weinstein
Crawford	Hill	Myers	
Deratany	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Fox, Jenne

SB 914 was laid on the table.

On motion by Senator Hair, the rules were waived and by two-thirds vote HB 1155 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hair—

**HB 1155**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending s. 229.558(1)(e), Florida Statutes (1984 Supplement), and ss. 230.66(2), 233.068(1), 446.011(2), 446.041(8), 446.052(2), (3), and 616.21(2)(a), Florida Statutes; conforming these sections to s. 106, ch. 84-336, Laws of Florida, which changed the name of the Division of Vocational Education to the Division of Vocational, Adult, and Community Education.

—a companion measure, was substituted for SB 915 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1155 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gersten	Kirkpatrick	Plummer
Barron	Girardeau	Kiser	Scott
Beard	Gordon	Langley	Stuart
Castor	Grant	Malchon	Thurman
Childers, D.	Grizzle	Mann	Vogt
Childers, W. D.	Hair	Margolis	Weinstein
Deratany	Hill	Myers	
Fox	Jennings	Neal	
Frank	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Dunn, Jenne

SB 915 was laid on the table.

On motion by Senator Hair, the rules were waived and by two-thirds vote HB 1156 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hair—

**HB 1156**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 190.009(2), 475.455(1), 718.1255, 718.508, 718.608(2)(a), 718.614(2), 719.501, 719.502(2)(a), 719.504, 719.508, 719.608(2)(a), 719.614(2), and 721.05(6), (10), Florida Statutes; amending ss. 498.005(6), 718.501(1), 718.502(2)(a), and 718.504, Florida Statutes (1984 Supplement); replacing references to the "Division of Florida Land Sales and Condominiums" with "Division of Florida Land Sales, Condominiums, and Mobile Homes" to conform to ch. 84-80, Laws of Florida, which changed the name of the division; revising a cross-reference; and otherwise improving clarity.

—a companion measure, was substituted for SB 916 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1156 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Barron	Girardeau	Kirkpatrick	Peterson
Castor	Gordon	Kiser	Plummer
Childers, D.	Grant	Langley	Scott
Childers, W. D.	Grizzle	Malchon	Stuart
Deratany	Hair	Mann	Thurman
Fox	Hill	Margolis	Vogt
Frank	Jennings	Myers	Weinstein
Gersten	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Dunn, Jenne

SB 916 was laid on the table.

**Senator Mann presiding**

On motion by Senator Hair, the rules were waived and by two-thirds vote HB 1157 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hair—

**HB 1157**—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 222.19, 283.01, 283.02, 283.03, 283.04, 283.045, 283.05, 283.06, 283.07, 283.08, 283.09, 283.10, 283.101, 283.102, 283.12, 283.121, 283.15, 283.18, 283.20, 283.205, 283.22, 283.23, 283.24, 283.25, 283.26, 283.27, 283.28, 468.01, 468.02, 468.03, 468.04, 468.05, 468.06, 468.07, 468.08, 469.01, 469.02, 469.03, 469.04, 469.05, and 469.07, Florida Statutes, all of which provisions have been repealed, but none of which provisions have been repealed by a "current session" of the Legislature, as is required by s. 11.242(5)(b), Florida Statutes, in order for provisions to be omitted from publication in Florida Statutes 1985 without further legislative action.

—a companion measure, was substituted for SB 917 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1157 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Barron	Fox	Jennings	Peterson
Beard	Frank	Johnson	Plummer
Carlucci	Gersten	Kiser	Scott
Castor	Girardeau	Langley	Stuart
Childers, D.	Grant	Malchon	Thurman
Childers, W. D.	Grizzle	Mann	Vogt
Crawford	Hair	Margolis	Weinstein
Deratany	Hill	Myers	

Nays—None

Vote after roll call:

Yea—Dunn, Jenne, Kirkpatrick, Neal

SB 917 was laid on the table.

On motions by Senator Hair, the rules were waived and by two-thirds vote HB 1158 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hair—

**HB 1158**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 193.461(4)(a), 447.309(5), and 901.28, Florida Statutes, and repealing ss. 220.189, 311.011, 311.021, 311.031, 828.15, 843.035, 901.27, 901.30, 901.32, and 934.091, Florida Statutes, to conform to judicial decisions holding said provisions or parts thereof or provisions related thereto unconstitutional or superseded by court rule.

—a companion measure, was substituted for SB 918 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1158 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Frank	Johnson	Plummer
Beard	Gersten	Kirkpatrick	Scott
Carlucci	Girardeau	Kiser	Stuart
Castor	Gordon	Langley	Thurman
Childers, D.	Grant	Malchon	Vogt
Childers, W. D.	Grizzle	Mann	Weinstein
Crawford	Hair	Margolis	
Deratany	Hill	Myers	
Fox	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Dunn, Jenne, Neal

SB 918 was laid on the table.

On motions by Senator Hair, the rules were waived and by two-thirds vote HB 1159 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hair—

**HB 1159**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.12(1), 17.26(1), 175.121, 185.10, 215.29, 216.331, 236.601(4), 238.11(2)(b), 350.06(2), (9), 440.49(2)(h), 440.50(2), (3), 443.191(2), (3), 443.211(1), (2), 624.506(1), (3), 633.47, 650.06(4), and 947.12(1), Florida Statutes; conforming the Florida Statutes to H.J.R. 435 (1983), which eliminated the requirement that state warrants be countersigned by the Governor; removing a provision that has had its effect; removing redundancies and inconsistencies; and correcting grammatical errors in, and otherwise improving the clarity of, these provisions.

—a companion measure, was substituted for SB 919 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1159 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Barron	Frank	Johnson	Plummer
Beard	Gersten	Kiser	Scott
Carlucci	Girardeau	Malchon	Stuart
Castor	Grant	Mann	Thurman
Childers, W. D.	Grizzle	Margolis	Vogt
Crawford	Hair	Meek	Weinstein
Deratany	Hill	Myers	
Fox	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Dunn, Jenne, Kirkpatrick, Langley, Neal

SB 919 was laid on the table.

On motions by Senator Hair, the rules were waived and by two-thirds vote HB 1270 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hair—

**HB 1270**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 316.515(3)(c), (5), 316.516(1), (2), 320.0609(1)(b), 320.14, 322.01(18), 324.051(2)(a), 330.40, 350.01(7), 350.113(3)(b), 369.20(3), 370.02(5)(b), 370.06(2)(a), 373.223(1), 375.051, 376.031(7), 376.10, 381.273(2), 381.472, 381.4961(2), 393.0675(1), 397.091(1), 397.16, 400.151(1), 401.113, 402.33(6)(b), (9)(b), 403.522(11), (13), (17), 403.527(2), 415.101, 415.501(1), (2), 446.045(2)(b), 446.20(3), (4), 455.207(4), 472.013(4), 483.041(2), 483.131, 483.154(2), 483.172, 483.181(3), 484.056(1)(l), 499.021(7), 506.503, 506.511, 509.215(1), 513.045(1), 520.07(3)(c), 520.73(3)(c), 535.19, and 553.895, Florida Statutes, and ss. 316.1945(1)(a), 322.21(1)(e), 327.32, 328.01(2)(d), 328.15(5), 330.35(1), 335.074(3)(b), 338.232(2), 339.155(2), (3)(a), 341.031(7), 341.303(3)(c), 341.322(21), 341.336(2), 341.343(4), 341.345, 341.352(2)(c), 348.973, 364.337(3), 367.055(1), 381.295(6)(i), 401.255(1), 401.321(2), 402.32(6), (7), 403.1826(6), 403.1838(6), 403.74(1), 403.929(1)(c), 404.131(5)(b), 413.064, 415.5055(2)(a), 420.5097(7), 426.003(1), 426.004(2)(a), (c), 455.02(2), 479.07(9), 479.111(3), 479.16, 484.042(4),



484.047(2), (3), 487.041(5), 494.04(2), 499.05(2), 513.13(5), 513.151(3)(a), 548.046(2), 548.049(1), 550.2616(2), 550.262(4)(g), and 550.33(7)(a), Florida Statutes (1984 Supplement); and reenacting ss. 320.08(2)(a), 320.10, 320.20(2), 336.025(2), and 413.08(4)(c), Florida Statutes, and ss. 440.38(1) and 443.036(17)(n), Florida Statutes (1984 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions inadvertently omitted from republication in the amendatory process.

—a companion measure, was substituted for SB 920 and read the second time by title.

Senator Hair moved the following amendments which were adopted:

**Amendment 1**—On page 12, line 18, through page 14, line 26, strike all of said lines and renumber subsequent sections.

**Amendment 2**—In title, on page 2, line 4, strike "320.10,"

On motion by Senator Hair, by two-thirds vote HB 1270 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Barron	Fox	Jennings	Myers
Beard	Frank	Johnson	Neal
Carlucci	Gersten	Kirkpatrick	Peterson
Castor	Girardeau	Kiser	Plummer
Childers, D.	Gordon	Langley	Scott
Childers, W. D.	Grant	Malchon	Stuart
Crawford	Grizzle	Mann	Thurman
Deratany	Hair	Margolis	Vogt
Dunn	Hill	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Jenne

SB 920 was laid on the table.

On motion by Senator Hair, the rules were waived and HB 1270 was ordered immediately certified to the House.

On motions by Senator Hair, the rules were waived and by two-thirds vote HB 1271 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hair—

**HB 1271**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 561.14(3), 578.26(1)(b), 616.101, 616.12(2), 616.17(1), 616.251(3), 624.44(3), 626.881(1), 626.892(1), 626.894(2), 626.897(4), 632.571(7), 634.310(1), 634.339, 634.439(2), 637.116(1), 637.141, 637.276(1), 637.301, 638.051(1), 638.061(1), 639.25(3), 651.022(2), 651.023(1)(f), (8), 651.106(1), 651.121(4), 681.103, 681.104(4), 721.02(4), 721.07(5)(m), (w), 721.08(7), 721.09(1), 721.12(2), 721.16(2), (3), 721.165(1), 721.18(1)(c)-(e), (m)-(o), 721.23, 721.25, 768.54(3)(h), 944.095(2), 945.43(2)(b), 946.11(1), 948.10(1), and 948.90(2), Florida Statutes, and ss. 561.15(3), 599.002(1), 626.9541(1)(o), 627.727(1), 641.225(2), 641.405(2)(d), 641.407(2), 641.41(1), 641.432(1), 641.441(1)(d), 641.451, 655.037(6)(b), 686.407(1), (2), 697.204(2)(a), (6), 697.205(1), 718.103(9), 718.401(10), 721.13(2), (3)(a), (d), (f), (g), (5), 721.20(3), 723.042, 723.072(1), 723.078, 732.912(2), (4), 744.641, 752.02, 765.03(6), 765.06, 817.60(6)(b), 817.646(2), 943.131(1)(b), 943.135(1), (2), and 960.001(1)(e), (g), Florida Statutes (1984 Supplement); repealing s. 917.011; and reenacting s. 627.351(4)(e)-(i), Florida Statutes, and s. 790.25(3), Florida Statutes (1984 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions inadvertently omitted from republication in the amendatory process.

—a companion measure, was substituted for SB 921 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1271 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Frank	Johnson	Neal
Beard	Gersten	Kirkpatrick	Plummer
Carlucci	Girardeau	Kiser	Stuart
Castor	Gordon	Langley	Thurman
Childers, W. D.	Grant	Malchon	Vogt
Crawford	Grizzle	Mann	Weinstein
Deratany	Hair	Margolis	
Dunn	Hill	Meek	
Fox	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Jenne

SB 921 was laid on the table.

Consideration of SB 950 was deferred.

On motions by Senator Hair, the rules were waived and by two-thirds vote HB 1272 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hair—

**HB 1272**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 95.11(4)(e), 106.14(2), 501.204(2), 616.091(2)(e), 631.271(1)(b), 721.14(2), and 775.15(2)(e), Florida Statutes; repealing ss. 624.3255 and 695.01(3), Florida Statutes; and reenacting s. 320.084, Florida Statutes, pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired or have had their effect; replacing incorrect cross-references and citations; improving the clarity of the statutes and facilitating their correct interpretation; correcting errors in the editing, publishing, and printing of the Florida Statutes; and confirming the restoration of provisions inadvertently omitted from republication in the amendatory process.

—a companion measure, was substituted for SB 955 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1272 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Barron	Fox	Johnson	Myers
Beard	Gersten	Kirkpatrick	Peterson
Carlucci	Girardeau	Kiser	Scott
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Malchon	Thurman
Childers, W. D.	Grizzle	Mann	Vogt
Crawford	Hair	Margolis	Weinstein
Dunn	Jennings	Meek	

Nays—None

Vote after roll call:

Yea—Jenne, Neal

SB 955 was laid on the table.

**CS for SB 8**—A bill to be entitled An act relating to purchasing; creating s. 817.062, F.S.; prohibiting the submission of bills for goods or services to a state agency, public body, or entity acting under contract to a state agency or public body with the intent to defraud such agency or public body of property or rights to property; providing penalties; authorizing a civil action to recover treble damages; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 8 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Barron	Gersten	Johnson	Myers
Beard	Girardeau	Kirkpatrick	Plummer
Carlucci	Gordon	Kiser	Scott
Childers, W. D.	Grant	Langley	Stuart
Crawford	Grizzle	Malchon	Thurman
Deratany	Hair	Mann	Vogt
Fox	Hill	Margolis	Weinstein
Frank	Jennings	Meek	

Nays—None

Vote after roll call:

Yea—Castor, Dunn, Jenne, Neal

On motion by Senator Crawford, the rules were waived and the Senate reverted to—

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES***The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed as amended by the required Constitutional three-fifths vote of the membership of the House CS for HJR 386 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Appropriations and Representative Upchurch and others—

**CS for HJR 386**—A joint resolution proposing an amendment to Section 1, Article IV and to Section 17, Article V of the State Constitution, relating to prosecutorial jurisdiction.

—was read the first time by title.

**The President presiding****SPECIAL ORDER, continued**

On motions by Senator Crawford, by two-thirds vote CS for HJR 386, a companion measure, was substituted for CS for SJR's 242 and 42 and by two-thirds vote read the second time by title.

Senator Carlucci moved that further consideration of CS for HJR 386 be deferred until 2:00 p.m. The motion failed.

On motion by Senator Crawford, further consideration of CS for HJR 386 was deferred.

On motion by Senator Carlucci, the rules were waived and the Senate recessed at 11:56 a.m. to reconvene at 2:00 p.m.

**AFTERNOON SESSION**

The Senate was called to order by the President at 2:00 p.m. A quorum present—39:

Mr. President	Fox	Jennings	Neal
Barron	Frank	Johnson	Peterson
Beard	Gersten	Kiser	Plummer
Carlucci	Girardeau	Langley	Scott
Castor	Gordon	Malchon	Stuart
Childers, D.	Grant	Mann	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Hair	McPherson	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jenne	Myers	

**SPECIAL ORDER, continued**

On motion by Senator Hair, the rules were waived and by two-thirds vote HB 1269 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hair—

**HB 1269**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 77.031(3), 103.021(3), 112.313(12)(g), 120.52(1)(b), 154.304(3), 163.450, 163.569, 177.36, 201.08(4), 205.171(5), 212.04(2)(a), 212.095(6)(a), 216.011(1)(a), (x), 220.182(3), 228.075(2)(c), 228.086(2),

231.09, 231.251(2), 231.36(3)(e), 232.46(1)(b), 236.02(2)(b), 252.40(1), 253.025(8)(d), 257.172, 279.04(1), 279.07(1), 279.09(1), 282.304(1), 283.38(3), 288.34(4), and 290.042(4), Florida Statutes, and ss. 11.45(3)(a), (d), 15.20(4), 20.19(6)(f), 39.01(1), (27), 39.402(2), 39.41(1)(f), 48.031(3)(a), 90.90(3), (4), 101.5605(2)(a), 124.011(1), (3), 127.01(1)(b), 186.503(1), 190.016(9)(d), 196.101(4)(b), 196.1975(11), 212.08(7)(a), 213.21(2)(a), 218.335, 220.181(1)(c), (d), 228.072(7)(c), 229.551(3)(g), 229.8021(3), 229.8371(1)(a), 230.105(2)(a), (b), 231.615(7), 232.17(2)(c), 232.26(2), 232.304(2)(c), 237.151(3), (4)(c), 240.3763(2), 240.532(1), 253.03(10)(a)-(c), (13), 266.501(2), 281.02(5), 281.03(2), and 290.012, Florida Statutes (1984 Supplement); repealing s. 95.031(3), Florida Statutes; and reenacting ss. 98.051(1)(c), (d), (2), (3), 190.006(3)(b)-(d), and 195.099(1)(a), Florida Statutes (1984 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; correcting errors in the editing, publishing, and printing of the Florida Statutes; and confirming the restoration of provisions inadvertently omitted from republication in the amendatory process.

—a companion measure, was substituted for SB 950 and read the second time by title.

Senator Hair moved the following amendments which were adopted:

**Amendment 1**—On page 35, line 20, through page 36, line 4, strike all of said lines and renumber subsequent sections.

**Amendment 2**—In title, on page 1, line 6, strike "205.171(5)."

On motion by Senator Hair, by two-thirds vote HB 1269 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Girardeau	Kiser	Neal
Beard	Gordon	Langley	Plummer
Carlucci	Grizzle	Malchon	Scott
Childers, D.	Hair	Mann	Stuart
Childers, W. D.	Hill	Margolis	Thomas
Dunn	Jennings	McPherson	Vogt
Frank	Johnson	Meek	Weinstein
Gersten	Kirkpatrick	Myers	

Nays—None

Vote after roll call:

Yea—Castor, Jenne

SB 950 was laid on the table.

On motion by Senator Hair, the rules were waived and HB 1269 was ordered immediately certified to the House.

On motion by Senator Crawford, the rules were waived and the Senate reverted to—

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES***The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 1 and passed CS for SB 489, as amended.

*Allen Morris, Clerk*

The bill contained in the foregoing message was ordered engrossed and then enrolled.

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives refused to recede from House Amendments 1 and 2 to SB 1301 and acceded to the request of the Senate for a Conference Committee. The Speaker has appointed Representatives Bell, Chairman; Gordon, Lippman, Messersmith, Gardner, Ogden, Crotty, Mills, Morgan, Easley, Hodges, Gallagher. Alternates: R. C. Johnson, Martinez, Wetherell, Carpenter and Burnsed as the Conferees on the part of the House.

*Allen Morris, Clerk*

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1278 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Judiciary and Representative Dunbar and others

**HB 1278**—A bill to be entitled An act relating to mobile homes; amending s. 723.007, F.S., increasing the annual fee to be paid by mobile home park owners to the Division of Florida Land Sales, Condominiums, and Mobile Homes; providing an effective date.

—was read the first time by title and referred to the Committee on Finance, Taxation and Claims.

On motion by Senator Crawford, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider HB 1278 this day.

#### **SPECIAL ORDER, continued**

The Senate resumed consideration of—

**CS for HJR 386**—A joint resolution proposing an amendment to Section 1, Article IV and to Section 17, Article V of the State Constitution, relating to prosecutorial jurisdiction.

Senators Crawford and Kiser offered the following amendment which was moved by Senator Crawford and adopted:

**Amendment 1**—On page 1, line 9, strike everything after resolving clause and insert:

That the following amendment to Section 4 of Article IV and Section 17 of Article V of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1986:

#### **ARTICLE IV EXECUTIVE**

##### **SECTION 4. Cabinet.—**

(a) There shall be a cabinet composed of a secretary of state, an attorney general, a comptroller, a treasurer, a commissioner of agriculture and a commissioner of education. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law.

(b) The secretary of state shall keep the records of the official acts of the legislative and executive departments.

(c) The attorney general shall be the chief state legal officer. As provided by general law and subject to conditions specified therein, the attorney general has concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits. The jurisdiction of the attorney general to prosecute violations of criminal laws may be delegated as provided by general law to a statewide prosecutor who shall be appointed by the attorney general. A vacancy in the position of statewide prosecutor shall be filled as provided by general law.

(d) The comptroller shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state.

(e) The treasurer shall keep all state funds and securities. He shall disburse state funds only upon the order of the comptroller. Such order may be in any form and may require the disbursement of state funds by electronic means or by means of a magnetic tape or any other transfer medium.

(f) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(g) The commissioner of education shall supervise the public education system in the manner prescribed by law.

#### **ARTICLE V JUDICIARY**

**SECTION 17. State attorneys.**—In each judicial circuit a state attorney shall be elected for a term of four years. *Except as otherwise provided in this constitution*, he shall be the prosecuting officer of all trial courts in that circuit and shall perform other duties prescribed by general law; provided, however, when authorized by general law, the violations of all municipal ordinances may be prosecuted by municipal prosecutors. A state attorney shall be an elector of the state and reside in the territorial jurisdiction of the circuit. He shall be and have been a member of the bar of Florida for the preceding five years. He shall devote full time to his duties, and he shall not engage in the private practice of law. State attorneys shall appoint such assistant state attorneys as may be authorized by law.

**BE IT FURTHER RESOLVED** that the following statement be placed on the ballot:

#### **CONSTITUTIONAL AMENDMENT ARTICLE IV, SECTION 4 ARTICLE V, SECTION 17**

**AUTHORITY OF ATTORNEY GENERAL TO APPOINT A STATEWIDE PROSECUTOR.**—Proposes to grant to the Attorney General concurrent jurisdiction with the state attorneys to prosecute multi-circuit violations of the criminal laws of the state. Authorizes the Attorney General to delegate such jurisdiction to a statewide prosecutor pursuant to general law.

Senator Crawford moved the following amendment which was adopted:

**Amendment 2**—Strike everything before the resolving clause and insert:

##### **House Joint Resolution No. 386**

A joint resolution proposing an amendment to Section 4, Article IV and to Section 17, Article V of the State Constitution, relating to prosecutorial jurisdiction.

Senator Dunn moved the following amendment to the joint resolution as amended which was adopted:

**Amendment 3**—On line 7, after "appointed" insert: subject to confirmation by the Senate

On motion by Senator Crawford, by two-thirds vote CS for HJR 386 as amended was read the third time in full as follows:

**HJR 386**—A joint resolution proposing an amendment to Section 4, Article IV and to Section 17, Article V of the State Constitution, relating to prosecutorial jurisdiction.

*Be It Resolved by the Legislature of the State of Florida:*

That the following amendment to Section 4 of Article IV and Section 17 of Article V of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1986:

#### **ARTICLE IV EXECUTIVE**

##### **SECTION 4. Cabinet.—**

(a) There shall be a cabinet composed of a secretary of state, an attorney general, a comptroller, a treasurer, a commissioner of agriculture and a commissioner of education. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law.

(b) The secretary of state shall keep the records of the official acts of the legislative and executive departments.

(c) The attorney general shall be the chief state legal officer. As provided by general law and subject to conditions specified therein, the attorney general has concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits. The jurisdiction of the attorney general to prosecute violations of criminal laws may be delegated as provided by general law to a state-

wide prosecutor who shall be appointed subject to confirmation by the Senate by the attorney general. A vacancy in the position of statewide prosecutor shall be filled as provided by general law.

(d) The comptroller shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state.

(e) The treasurer shall keep all state funds and securities. He shall disburse state funds only upon the order of the comptroller. Such order may be in any form and may require the disbursement of state funds by electronic means or by means of a magnetic tape or any other transfer medium.

(f) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(g) The commissioner of education shall supervise the public education system in the manner prescribed by law.

#### ARTICLE V JUDICIARY

**SECTION 17. State attorneys.**—In each judicial circuit a state attorney shall be elected for a term of four years. *Except as otherwise provided in this constitution*, he shall be the prosecuting officer of all trial courts in that circuit and shall perform other duties prescribed by general law; provided, however, when authorized by general law, the violations of all municipal ordinances may be prosecuted by municipal prosecutors. A state attorney shall be an elector of the state and reside in the territorial jurisdiction of the circuit. He shall be and have been a member of the bar of Florida for the preceding five years. He shall devote full time to his duties, and he shall not engage in the private practice of law. State attorneys shall appoint such assistant state attorneys as may be authorized by law.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

#### CONSTITUTIONAL AMENDMENT ARTICLE IV, SECTION 4 ARTICLE V, SECTION 17

**AUTHORITY OF ATTORNEY GENERAL TO APPOINT A STATEWIDE PROSECUTOR.**—Proposes to grant to the Attorney General concurrent jurisdiction with the state attorneys to prosecute multi-circuit violations of the criminal laws of the state. Authorizes the Attorney General to delegate such jurisdiction to a statewide prosecutor pursuant to general law.

—and as amended passed by the required constitutional three-fifths vote of the membership, and was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fox	Jennings	Peterson
Barron	Frank	Johnson	Plummer
Beard	Gersten	Kiser	Scott
Carlucci	Girardeau	Langley	Thomas
Castor	Gordon	Malchon	Thurman
Childers, D.	Grant	Mann	Vogt
Childers, W. D.	Grizzle	Margolis	Weinstein
Crawford	Hair	McPherson	
Deratany	Hill	Meek	
Dunn	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

CS for SJR's 242 and 42 was laid on the table.

On motion by Senator W. D. Childers, the rules were waived and the Senate reverted to—

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1165 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative B. L. Johnson—

**HB 1165**—A bill to be entitled An act relating to Santa Rosa County; adding section 12 to chapter 59-1825, Laws of Florida, as amended; authorizing the Board of County Commissioners and the Hospital Board of Santa Rosa Hospital to lease or enter into an operating agreement with respect to Santa Rosa Hospital; providing authorization for the sale of the personal equipment of the hospital in connection with a lease or operating agreement and for the repurchase of the personal equipment upon expiration of the lease or operating agreement; providing for the disposition of the proceeds from the lease or operating agreement; providing that while any such lease or operating agreement is in effect, the Hospital Board shall be released of responsibilities and powers for operating and managing the hospital; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Rules and Calendar.

On motions by Senator W. D. Childers, by two-thirds vote HB 1165 was withdrawn from the Committees on Health and Rehabilitative Services and Rules and Calendar.

On motions by Senator W. D. Childers, by unanimous consent HB 1165 was taken up out of order and by two-thirds vote read the second time by title.

Senators W. D. Childers and Thomas offered the following amendments which were moved by Senator W. D. Childers and adopted:

**Amendment 1**—On page 2, line 30, strike "or any portion"

**Amendment 2**—On page 3, line 3, strike "may" and insert: shall

On motion by Senator W. D. Childers, by two-thirds vote HB 1165 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dunn	Jenne	Meek
Barron	Fox	Jennings	Myers
Beard	Frank	Johnson	Peterson
Carlucci	Gersten	Kiser	Plummer
Castor	Girardeau	Langley	Scott
Childers, D.	Gordon	Malchon	Stuart
Childers, W. D.	Grant	Mann	Thomas
Crawford	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Weinstein

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

On motion by Senator W. D. Childers, the rules were waived and HB 1165 was ordered immediately certified to the House.

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 387 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Appropriations and Representative Upchurch and others—

**CS for HB 387**—A bill to be entitled An act relating to criminal investigations and prosecutions; amending ss. 27.14, 27.37, 905.33, 905.34, 905.36, 110.205, F.S.; creating s. 14.27, F.S.; creating an Office of Statewide Prosecution in the Executive Office of the Governor; providing for appointment of a statewide prosecutor in charge of such office; specifying powers and duties of such office; providing for appointment of a state attorney to discharge the duties of the statewide prosecutor in specified circumstances; specifying membership of the Council on Organized Crime; providing that the statewide prosecutor is the legal adviser of the statewide grand jury; specifying jurisdiction of the statewide grand jury; specifying duties of the legal adviser of the statewide grand jury; specifying exemptions from career service; providing a contingent effective date.

—was read the first time by title.

## SPECIAL ORDER, continued

On motions by Senator Crawford, by two-thirds vote CS for HB 387, a companion measure, was substituted for CS for SB 241 and by two-thirds vote read the second time by title.

Senator Crawford moved the following amendment:

**Amendment 1**—On page 2, line 6, strike everything after the enacting clause and insert:

Section 1. Subsection (8) is added to section 16.01, Florida Statutes, to read:

16.01 Residence, office, and duties of Attorney General.—The Attorney General:

(8) *As provided in s. 16.56, shall have jurisdiction to prosecute violations of the criminal laws of this state. He may delegate this jurisdiction to the statewide prosecutor in charge of the Office of Statewide Prosecution.*

Section 2. Section 16.56, Florida Statutes, is created to read:

16.56 Office of Statewide Prosecution.—

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate budget entity as that term is defined in chapter 216. The office may:

(a) Investigate and prosecute the offenses of bribery, burglary, criminal fraud, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, and robbery; of crimes involving narcotic or other dangerous drugs; of any violation of the provisions of the Florida RICO (Racketeer-Influenced and Corrupt Organization) Act; of any violation of the provisions of the Florida Anti-Fencing Act; of any violation of the provisions of the Florida Antitrust Act of 1980, as amended; or of any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits.

(b) Upon request, cooperate with and assist state attorneys and state and local law enforcement officials in their efforts against organized crimes.

(c) Request and receive from any department, division, board, bureau, commission or other agency of the state, or of any political subdivision thereof, cooperation and assistance in the performance of its duties.

(2) The Attorney General shall appoint a person, subject to confirmation by the Senate, who shall be designated as the statewide prosecutor and who shall be in charge of the Office of Statewide Prosecution for a term of 4 years to run concurrently with the term of the appointing official. The statewide prosecutor shall be an elector of the state, shall have been a member of The Florida Bar for the preceding 5 years, and shall devote full time to his duties and not engage in the private practice of law. The Attorney General may remove the statewide prosecutor prior to the end of his term. A vacancy in the position of statewide prosecutor shall be filled within 60 days. During the period of any vacancy the Attorney General shall exercise all the powers and perform all the duties of the statewide prosecutor. A person appointed statewide prosecutor is prohibited from running for or accepting appointment to any state office for a period of 2 years following vacation of office. The statewide prosecutor shall on March 1 of each year report in writing to the Governor and the Attorney General on the activities of the office for the preceding year and on the goals and objectives for the next year.

(3) The statewide prosecutor may conduct hearings at any place in the state, summon and examine witnesses, require the production of physical evidence, sign informations, indictments, and other official documents, confer immunity, move the court to reduce the sentence of a person convicted of drug trafficking who provides substantial assistance, attend to and serve as the legal adviser to the statewide grand jury, and exercise such other powers as by law are granted to state attorneys. The statewide prosecutor may designate one or more assistants to exercise any such powers.

(4) The statewide prosecutor shall give the state attorney 5 days written notice of his intention to conduct an investigation in that judicial circuit. Upon receiving such notice, the state attorney may within 5 days notify the Attorney General in writing of any objections to the investigation. Unless the Attorney General overrules the objection of the state attorney within 5 days, the investigation shall not proceed. The Attorney General may, by written notice to the statewide prosecutor, waive the provisions of this subsection with respect to any investigation.

Section 3. Present subsection (2) of section 27.14, Florida Statutes, is renumbered as subsection (3), and a new subsection (2) is added to said section to read:

27.14 Assigning state attorneys to other circuits.—

(2) *If the statewide prosecutor in charge of the Office of Statewide Prosecution determines that he is not qualified to represent the state in any investigation, case, or matter pending in the courts of the state or if a court of competent jurisdiction disqualifies him from representing the state, the Governor may, by executive order filed with the Department of State, order an assignment of any state attorney to discharge the duties of such prosecutor with respect to one or more specified investigations, cases, or matters, which investigations, cases, or matters shall be generally described in the order. The assignment of any state attorney hereunder shall expire 6 months after the date of issuance, unless an extension is approved by order of the Supreme Court upon application of the Governor showing good and sufficient cause to extend such assignment.*

Section 4. Subsection (2) of section 27.36, Florida Statutes, is amended to read:

27.36 Office of Prosecution Coordination.—

(2) The office shall coordinate and provide information, assistance, and staff support to the Council on Organized Crime, ~~the statewide grand jury,~~ and the various state attorneys.

Section 5. Section 27.37, Florida Statutes, 1984 Supplement, is amended to read:

27.37 Council on Organized Crime.—

(1) There is created in the office of the Governor a council to be known as the Council on Organized Crime. The council shall be composed of seven members, of whom ~~four~~ *five* shall be state attorneys appointed by and serving at the pleasure of the Governor; ~~one shall be the statewide prosecutor in charge of the Office of Statewide Prosecution, serving ex officio;~~ one shall be a member of the Senate appointed by the President of the Senate; and one shall be a member of the House of Representatives appointed by the Speaker of the House of Representatives. The Governor shall designate one state attorney member to serve as chairman.

(2) Members of the council are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

(3) ~~The statewide prosecutor shall Governor shall designate one of the state attorney members of the council to act as legal adviser and direct the operation of the statewide grand jury as provided in s. 905.36. The remaining state attorney members of the council may assist the legal adviser and attend sessions of the statewide grand jury; however, nothing herein shall be construed to authorize a person other than one designated by the legal adviser or assistant legal adviser to attend sessions of the statewide grand jury.~~

(4) The duties of the council include, but need not be limited to, the following:

(a) Determining the scope and extent of organized crime in this state through public or private hearings or other appropriate investigation;

(b) Establishing policy and priorities for the prosecution of organized crime cases throughout the state; and

(c) Advising the Governor, the Attorney General, the President of the Senate, and the Speaker of the House of Representatives, in a report published on or before March 1 of each year, of its recommendations for legislation and for funding of the various aspects of the criminal justice system and of appropriate state regulatory agencies; and

~~(d) Providing, from among the state attorney members of the council, adequate staff support for the legal adviser of the statewide grand jury.~~

(5) The council shall meet as often as necessary, at the call of the chairman or upon majority vote of its members.

(6)(a) All documents pertaining to criminal intelligence or investigations in the possession or control of the Council on Organized Crime are exempt from the provisions of s. 119.07.

(b) The Council on Organized Crime shall not be considered an "agency" within the definition of s. 120.52.

(c) If the council meets primarily to further any criminal investigation, that meeting shall be exempt from the requirements of s. 286.011, and only those members of the council and staff specifically designated by the chairman shall be authorized to attend.

(7) The chairman of the council or the legal adviser to the statewide grand jury may issue subpoenas and other necessary process to compel attendance of witnesses and take testimony before the council. The chairman or any member of the council may administer oaths or affirmations to witnesses who appear before the council to testify on any matter on which the council may desire evidence.

~~(8) Any attorney employed by the council to provide staff support to the council shall be an assistant state attorney assistant to the legal adviser and the other members of the council consistent with the appointment, term, powers, duties, and compensation established in s. 27-181.~~

Section 6. Subsection (1) of section 905.33, Florida Statutes, is amended to read:

905.33 Petition to Supreme Court by Governor; order.—

(1) Whenever the Governor, for good and sufficient reason, deems it to be in the public interest to impanel a statewide grand jury, he may petition in writing to the Supreme Court for an order impaneling a statewide grand jury. The petition shall state the general crimes or wrongs to be inquired into and shall state that said crimes or wrongs are of a ~~multi-county~~ *multicircuit* nature. The Supreme Court may order the impaneling of a statewide grand jury, in accordance with the petition, for a term of 12 calendar months. Upon petition by a majority of the statewide grand jury or by the legal adviser to the statewide grand jury, the Supreme Court, by order, may extend the term of the statewide grand jury for a period of up to 6 months.

Section 7. Section 905.34, Florida Statutes, 1984 Supplement, is amended to read:

905.34 Powers and duties; law applicable.—The jurisdiction of a statewide grand jury impaneled under this chapter shall extend throughout the state. The subject matter jurisdiction of the statewide grand jury shall be limited to the offenses of bribery, burglary, criminal fraud, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, and robbery; crimes involving narcotic or other dangerous drugs; any violation of the provisions of the Florida RICO (Racketeer-Influenced and Corrupt Organization) Act; any violation of the provisions of the Florida Anti-Fencing Act; any violation of the provisions of the Florida Antitrust Act of 1980, *as amended*; or any attempt, solicitation, or conspiracy to commit any violation of the crimes specifically enumerated above, when any such offense is occurring, or has occurred, in two or more *judicial circuits* ~~counties~~ as part of a related transaction or when any such offense is connected with an organized criminal conspiracy affecting two or more *judicial circuits* ~~counties~~. The statewide grand jury may return indictments and presentments irrespective of the county or judicial circuit where the offense is committed or triable. If an indictment is returned, it shall be certified and transferred for trial to the county where the offense was committed. The powers and duties of, and law applicable to, county grand juries shall apply to a statewide grand jury except when such powers, duties, and law are inconsistent with the provisions of ss. 905.31-905.40.

Section 8. Section 905.36, Florida Statutes, is amended to read:

905.36 Duty of state attorney or other legal adviser; presentation of evidence.—~~The statewide prosecutor in charge of the Office of Statewide Prosecution state attorney designated by the Governor shall attend sessions of the statewide grand jury and serve as its legal adviser. The legal adviser state attorney, the state attorney and one or more of his assistant state attorneys, or one or more assistant state attorneys shall examine witnesses; present evidence; and draft indictments, presentments, and reports upon the direction of the statewide grand jury. The~~

~~legal adviser state attorney may designate one or more of his assistants, any state attorney, or assistant state attorneys to accompany and assist him in the performance of his duties, or he may designate one or more assistant state attorneys to attend sessions of the statewide grand jury and perform his such duties. The legal adviser and his assistants or a state attorney or assistant state attorney designated by the legal adviser to advise state attorney who advises the statewide grand jury when an indictment is returned shall be empowered to prosecute an such indictment returned by the statewide grand jury in the judicial circuit where the proper venue lies.~~

Section 9. Paragraph (u) is added to subsection (2) of section 110.205, Florida Statutes, 1984 Supplement, to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided no position, except for positions established for a limited period of time pursuant to paragraph (i), shall be exempted if the position reports to a position in the career service:

(u) *The statewide prosecutor in charge of the Office of Statewide Prosecution of the Department of Legal Affairs and all employees in the office. The Department of Legal Affairs shall set the salary of these positions.*

Section 10. It is the intent of the Legislature that in carrying out the duties of this office, the statewide prosecutor shall, whenever feasible, use sworn investigators employed by the Department of Law Enforcement, and may request the assistance, where appropriate, of sworn investigators employed by other law enforcement agencies.

Section 11. All powers, duties, and functions of the Office of Prosecution Coordination within the Office of the Governor relating to providing information, assistance, and staff to the statewide grand jury under s. 27.36, Florida Statutes, are hereby transferred by a type four transfer, as defined in s. 20.06(4), Florida Statutes, to the Office of Statewide Prosecution in the Department of Legal Affairs.

Section 12. This act shall take effect on the effective date of the amendment to the State Constitution proposed by CS for SJR's 242 and 42 or any similar joint resolution providing that the Attorney General shall have concurrent jurisdiction with state attorneys for the prosecution of criminal offenses.

Senator Kiser moved the following amendment to Amendment 1 which was adopted:

**Amendment 1A**—On page 4, lines 1-11, strike "(4) The statewide prosecutor shall give the state attorney 5 days written notice of his intention to conduct an investigation in that judicial circuit. Upon receiving such notice, the state attorney may within 5 days notify the Attorney General in writing of any objections to the investigation. Unless the Attorney General overrules the objection of the state attorney within 5 days, the investigation shall not proceed. The Attorney General may, by written notice to the statewide prosecutor, waive the provisions of this subsection with respect to any investigation."

Senator Gordon moved the following amendment:

**Amendment 1B**—On page 10, between lines 15 and 16, insert a new section:

Section 12. (1) Notwithstanding any provision to the contrary, if a person who is an object of a grand jury inquiry or who has otherwise come to the knowledge of a grand jury for its investigation is called before the grand jury to testify, then prior to the taking of any testimony from that person, the state attorney or his assistant shall in writing inform the person that (1) he is under investigation by or an object of a grand jury inquiry, and (2) he has the right, which right is hereby given, to the assistance of legal counsel in the grand jury room at all times during the person's appearance before the grand jury. In the event that the state attorney or his assistant fail to so inform the person being investigated and the person in response to a lawful subpoena testifies before the grand jury, then that person shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, nor shall any testimony so given or produced be received or used against him in any criminal investigation or proceeding, except in a prosecution of the witness for perjury committed before the grand jury.



(2) Unless pursuant to court order, it is unlawful for any person knowingly to publish, broadcast, disclose, divulge, or communicate to any other person, or knowingly to cause or permit to be published, broadcast, disclosed, divulged, or communicated to any other person outside the grand jury room, any of the proceedings or identity of persons referred to or being investigated by the grand jury. Any person who violates the provisions of this sub-section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, and s. 775.084, Florida Statutes.

(Renumber subsequent section.)

### Point of Order

Senator Dunn raised a point of order that Amendment 1B was not germane to the bill. The President appointed Senators Jenne, Barron and Langley as a committee to research the point of order.

### Senator Grant presiding

**SB 458**—A bill to be entitled An act relating to toll facilities; creating s. 316.1001, F.S.; requiring payment of tolls; providing penalties; amending s. 322.27, F.S.; providing that failure to pay a toll will not accumulate points relating to license suspension; amending s. 338.155, F.S.; providing that failure to pay a toll constitutes a noncriminal traffic infraction; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote SB 458 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Barron	Frank	Kiser	Plummer
Beard	Gersten	Langley	Stuart
Carlucci	Girardeau	Malchon	Thurman
Childers, D.	Gordon	Mann	Vogt
Crawford	Grant	Margolis	Weinstein
Deratany	Hill	McPherson	
Dunn	Johnson	Meek	
Fox	Kirkpatrick	Myers	

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Neal

On motion by Senator Girardeau, the rules were waived and SB 458 was ordered immediately certified to the House.

**SB 1140**—A bill to be entitled An act relating to trafficking in controlled substances; amending s. 893.135, F.S.; authorizing a judge to reduce or suspend the sentence of persons who provide substantial assistance in the identification, arrest, or conviction of persons engaged in the trafficking of controlled substances; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Vogt and adopted:

**Amendment 1**—On page 1, line 23, strike "or principals" and insert: or principals,

On motion by Senator Vogt, by two-thirds vote SB 1140 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Beard	Gersten	Kiser	Stuart
Carlucci	Girardeau	Langley	Thomas
Childers, W. D.	Gordon	Malchon	Thurman
Deratany	Grant	Margolis	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Johnson	Myers	
Frank	Kirkpatrick	Plummer	

Nays—1

Childers, D.

Vote after roll call:

Yea—Castor, Jenne, Neal

On motions by Senator Vogt, by two-thirds vote HB 116 was withdrawn from the Committees on Governmental Operations; Economic, Community and Consumer Affairs; and Appropriations.

On motions by Senator Vogt—

**HB 116**—A bill to be entitled An act relating to building construction standards; amending s. 553.73, F.S.; authorizing governmental units and state agencies to delegate building code enforcement responsibilities; amending s. 553.79, F.S.; providing conforming language and authorizing certain state agencies to expend public funds for permit and inspection fees; amending s. 553.80, F.S.; providing conforming language; providing an effective date.

—a companion measure, was substituted for SB 96 and by two-thirds vote read the second time by title.

Senator Vogt moved the following amendment which was adopted:

**Amendment 1**—On page 2, lines 25 and 26, strike "to enter into agreements"

On motion by Senator Vogt, by two-thirds vote HB 116 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Beard	Gersten	Kiser	Scott
Carlucci	Girardeau	Langley	Stuart
Childers, D.	Gordon	Malchon	Thomas
Childers, W. D.	Grant	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Deratany	Hill	McPherson	Weinstein
Dunn	Jennings	Meek	
Fox	Johnson	Myers	
Frank	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Neal

SB 96 was laid on the table.

**CS for SB 37**—A bill to be entitled An act relating to computer-related crimes; amending s. 815.03, F.S.; providing definitions; amending ss. 815.04, 815.05, 815.06, F.S.; removing the element of willfulness from the list of elements of certain offenses; creating s. 815.08, F.S.; providing civil remedies; providing for attorneys' fees; providing limitations on civil and criminal actions; amending s. 895.02, F.S.; including computer-related crimes in the definition of "racketeering activity"; providing penalties; providing an effective date.

—was read the second time by title.

Senators Hair and Dunn offered the following amendment which was moved by Senator Dunn and adopted:

**Amendment 1**—On page 6, line 18, strike "in any fashion"

On motion by Senator Dunn, by two-thirds vote CS for SB 37 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Barron	Fox	Johnson	Myers
Beard	Frank	Kirkpatrick	Plummer
Carlucci	Gersten	Kiser	Scott
Childers, D.	Girardeau	Langley	Stuart
Childers, W. D.	Gordon	Malchon	Thomas
Crawford	Hair	Mann	Thurman
Deratany	Hill	Margolis	Vogt
Dunn	Jennings	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Neal

**CS for SB 303**—A bill to be entitled An act relating to hospital licensing and regulation; amending s. 395.011, F.S.; requiring hospitals to establish rules for considering application for clinical privileges by nurse anesthetists; providing for practice protocols for nurse anesthetists; limiting liability for certain facilities; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 303 to conform the bill to CS for HB 639.

On motion by Senator Malchon, the rules were waived and by two-thirds vote CS for HB 639 was withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Malchon—

**CS for HB 639**—A bill to be entitled An act relating to hospital licensing and regulation; amending s. 395.011, F.S.; providing for hospitals to adopt rules and procedures to consider applications by nurse anesthetists for professional clinical privileges; prohibiting denial of an application solely due to the applicant's licensure; providing limitations on the extent of clinical privileges; providing criteria for practice by nurse anesthetists; providing that no cause of action shall arise if certain actions are taken in good faith and without malice in compliance with the section; providing an effective date.

—a companion measure, was substituted for CS for SB 303 and by two-thirds vote read the second time by title.

Senator Malchon moved the following amendments which were adopted:

**Amendment 1**—On page 2, between lines 19 and 20, insert: (4) *Each licensed facility shall establish rules and procedures for consideration of application for clinical privileges submitted by a psychologist licensed and certified under Chapter 490 in accordance with the standards of the joint commission on accreditation of hospitals on January 1, 1985.*

(Renumber subsequent subsections.)

**Amendment 2**—On page 1, line 11, between the semicolon (;) and "providing" insert: providing for hospital to adopt rules and procedures to consider application by psychologists for clinical privileges;

On motion by Senator Malchon, by two-thirds vote CS for HB 639 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Childers, D.	Gersten	Langley	Plummer
Childers, W. D.	Girardeau	Malchon	Stuart
Crawford	Grant	Mann	Thurman
Deratany	Hill	Margolis	Vogt
Dunn	Jennings	McPherson	Weinstein
Fox	Johnson	Meek	
Frank	Kiser	Peterson	

Nays—3

Beard	Carlucci	Grizzle
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Vote after roll call:

Yea—Castor, Jenne, Kirkpatrick, Neal

CS for SB 303 was laid on the table.

**CS for SB 1258**—A bill to be entitled An act relating to adult foster homes; creating part VI of chapter 400, F.S., the "Adult Foster Home Care Act"; providing legislative intent; providing definitions; providing for licensure by the Department of Health and Rehabilitative Services; providing for investigation of applicants; providing for access to licensed facilities; providing grounds for denial, suspension, or revocation of a license; directing the department to establish minimum standards and licensure procedures by rule; providing for injunction; providing for recruitment of adult foster homes by the department; providing for cancellation of a license under certain circumstances; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for SB 1258 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Beard	Girardeau	Kiser	Peterson
Carlucci	Gordon	Langley	Plummer
Childers, D.	Grant	Malchon	Scott
Crawford	Grizzle	Mann	Stuart
Deratany	Hair	Margolis	Thurman
Dunn	Hill	McPherson	Weinstein
Fox	Jennings	Meek	
Frank	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Castor, W. D. Childers, Gersten, Jenne, Kirkpatrick, Neal, Vogt

On motion by Senator Malchon, the rules were waived and CS for SB 1258 was ordered immediately certified to the House.

**HB 414**—A bill to be entitled An act relating to probate; amending s. 733.604, F.S.; authorizing certain parties to inspect the inventory of property filed by the personal representative; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 414 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Beard	Frank	Kiser	Peterson
Carlucci	Girardeau	Langley	Plummer
Childers, D.	Grant	Malchon	Scott
Childers, W. D.	Grizzle	Mann	Stuart
Crawford	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jennings	Meek	Weinstein
Fox	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Castor, Gersten, Jenne, Kirkpatrick, Neal

**SB 468**—A bill to be entitled An act relating to alcoholic beverages; amending ss. 564.045 and 565.095, F.S., requiring the registration of the primary American source of supply of liquor and wine to list the appointed distributors; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 468 to conform the bill to HB 769.

On motion by Senator Margolis, the rules were waived and by two-thirds vote HB 769 was withdrawn from the Committee on Commerce.

On motion by Senator Margolis—

**HB 769**—A bill to be entitled An act relating to alcoholic beverages; repealing subsection (5) of section 564.045, Florida Statutes, and repealing subsection (5) of section 565.095, Florida Statutes; providing an effective date.

—a companion measure, was substituted for SB 468 and read the second time by title. On motion by Senator Margolis, by two-thirds vote HB 769 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Barron	Gersten	Kiser	Plummer
Carlucci	Gordon	Malchon	Scott
Childers, D.	Grant	Mann	Stuart
Childers, W. D.	Grizzle	Margolis	Thomas
Crawford	Hair	McPherson	Thurman
Deratany	Hill	Meek	Vogt
Dunn	Jennings	Myers	
Fox	Johnson	Neal	

Nays—4

Beard	Frank	Langley	Peterson
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Vote after roll call:

Yea—Castor, Jenne, Kirkpatrick, Weinstein

SB 468 was laid on the table.

**SB 484**—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.089, F.S.; specifying persons eligible to be issued "Ex-P.O.W." license plates without payment of license tax; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Thurman and adopted:

**Amendment 1**—On page 1, lines 14-31, and on page 2, lines 1-7, strike all of said lines and insert: survivors of Pearl Harbor; Congressional Medal of Honor winners; special license plates; fee.—

(1) Each owner of an automobile for private use, truck weighing not more than 5,000 pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and an active member of the Florida National Guard, ~~a former prisoner of war, a survivor of the attack on Pearl Harbor, a winner of the Congressional Medal of Honor, or an active member of any branch of the United States Armed Forces Reserve shall, upon application to the department, accompanied by proof of active membership in the Florida National Guard, proof of internment as a prisoner of war while in the service of the Armed Forces of the United States or as a civilian serving with the consent or authorization of the United States Government, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being awarded the Congressional Medal of Honor, or proof of active membership in any branch of the Armed Forces Reserve, and upon payment of the license tax for the vehicle as provided in s. 320.08,~~ be issued a license plate as provided by s. 320.06, upon which, in lieu of the serial numbers prescribed by s. 320.06, shall be stamped the words "National Guard," "Ex-P.O.W.," "Pearl Harbor Survivor," "Medal of Honor," or "U.S. Reserve," as appropriate, followed by the

**Amendment 2**—On page 3, between lines 2 and 3, insert:

Section 2. Section 320.0893, Florida Statutes, is created to read:

320.0893 Motor vehicle license plates to recipients of the Medal of Honor.—

Any United States citizen who is a resident of Florida and who was awarded the Medal of Honor while serving as a member of the United States Armed Forces may, upon application to the department, be issued a license plate on which is stamped the words "Medal of Honor" followed by the serial number. Upon submission of the application and proof that the applicant meets the above qualifications the plate shall be issued without payment of the license tax imposed by s. 320.08.

(Renumber subsequent section.)

**Amendment 3**—In title, on page 1, between lines 5 and 6, insert: creating s. 320.0893, F.S.; specifying persons eligible to receive "Medal of Honor" license plates without payment of license tax;

On motion by Senator Thurman, by two-thirds vote SB 484 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Barron	Girardeau	Kirkpatrick	Neal
Carlucci	Gordon	Kiser	Peterson
Childers, D.	Grant	Langley	Plummer
Childers, W. D.	Grizzle	Malchon	Scott
Crawford	Hair	Mann	Stuart
Deratany	Hill	Margolis	Thomas
Fox	Jenne	McPherson	Thurman
Frank	Jennings	Meek	Vogt
Gersten	Johnson	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Dunn

On motion by Senator Thurman, the rules were waived and SB 484 after being engrossed was ordered immediately certified to the House.

**SB 488**—A bill to be entitled An act relating to ridesharing programs; amending s. 341.041, F.S.; deleting the requirement that the Department of Transportation establish insurance requirements for ridesharing vehicles; amending s. 341.051, F.S.; providing for funding of certain ridesharing projects; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Deratany and adopted:

**Amendment 1**—On page 2, lines 16 and 17, strike "from mass transportation allocations"

**Amendment 2**—On page 2, line 24, after "projects." insert: In any case, the department's participation in ridesharing projects shall be from public transportation allocations.

On motion by Senator Deratany, by two-thirds vote SB 488 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Barron	Gersten	Johnson	Scott
Carlucci	Girardeau	Kiser	Stuart
Childers, D.	Gordon	Langley	Thomas
Childers, W. D.	Grant	Mann	Thurman
Crawford	Grizzle	Margolis	Vogt
Deratany	Hair	McPherson	Weinstein
Dunn	Hill	Myers	
Fox	Jenne	Neal	
Frank	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Castor, Kirkpatrick

#### The President presiding

On motions by Senator W. D. Childers, the rules were waived and by two-thirds vote CS for HB 291 was withdrawn from the Committees on Transportation; Finance, Taxation and Claims; and Appropriations.

On motions by Senator W. D. Childers—

**CS for HB 291**—A bill to be entitled An act relating to driver licenses; amending s. 322.08, F.S., requiring proof of identity in license applications; amending s. 322.12, F.S., deleting the license examination fee; amending s. 322.121, F.S., requiring reexamination upon renewal instead of every 4 years and deleting the reexamination fee; amending s. 322.13, F.S., directing the Department of Highway Safety and Motor Vehicles to provide for designation of driver's education instructors as driver's license examiners; providing for duties; limiting liability with respect to such driver's license examiners; amending s. 322.17, F.S., increasing the duplicate license fee and requiring proof of identity; amending s. 322.18, F.S., providing for 6-year original driver licenses and providing for 6-year renewal licenses for safe drivers; providing for 4-year license extensions by mail; prohibiting certain possession of license extension stickers and providing a penalty; amending s. 322.21, F.S., increasing the driver's license fee; repealing s. 322.142(3), F.S., deleting the fee for color photographic licenses; providing appropriations; providing effective dates.

—a companion measure, was substituted for CS for SB 512 and by two-thirds vote read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote CS for HB 291 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Crawford	Girardeau	Kirkpatrick
Barron	Deratany	Grizzle	Langley
Beard	Dunn	Hair	Malchon
Carlucci	Fox	Hill	Mann
Childers, D.	Frank	Jennings	Margolis
Childers, W. D.	Gersten	Johnson	McPherson

Meek	Plummer	Thomas
Myers	Scott	Thurman
Neal	Stuart	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Jenne

CS for SB 512 was laid on the table.

The Senate resumed consideration of—

**CS for HB 387**—A bill to be entitled An act relating to criminal investigations and prosecutions; amending ss. 27.14, 27.37, 905.33, 905.34, 905.36, 110.205, F.S.; creating s. 14.27, F.S.; creating an Office of Statewide Prosecution in the Executive Office of the Governor; providing for appointment of a statewide prosecutor in charge of such office; specifying powers and duties of such office; providing for appointment of a state attorney to discharge the duties of the statewide prosecutor in specified circumstances; specifying membership of the Council on Organized Crime; providing that the statewide prosecutor is the legal adviser of the statewide grand jury; specifying jurisdiction of the statewide grand jury; specifying duties of the legal adviser of the statewide grand jury; specifying exemptions from career service; providing a contingent effective date.

—which was taken up with pending Amendment 1B.

Senator Jenne reported that the committee appointed to resolve the point of order raised by Senator Dunn that Amendment 1B by Senator Gordon was not germane to CS for HB 387 had considered the matter and recommended the point well taken and the amendment was not germane. The President so ruled. Senator Gordon withdrew the amendment.

Senator Gordon moved the following amendment to Amendment 1:

**Amendment 1C**—On page 10, between lines 15 and 16, insert a new section 12:

Section 12. (1) Notwithstanding any provision to the contrary, if a person who is an object of a statewide grand jury inquiry or who has otherwise come to the knowledge of a statewide grand jury for its investigation is called before the statewide grand jury to testify, then prior to the taking of any testimony from that person, the statewide prosecutor or his assistant shall in writing inform the person that (1) he is under investigation by or an object of a statewide grand jury inquiry, and (2) he has the right, which right is hereby given, to the assistance of legal counsel in the statewide grand jury room at all times during the person's appearance before the statewide grand jury. In the event that the statewide prosecutor or his assistant fail to so inform the person being investigated and the person in response to a lawful subpoena testifies before the statewide grand jury, then that person shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, nor shall any testimony so given or produced be received or used against him in any criminal investigation or proceeding, except in a prosecution of the witness for perjury committed before the statewide grand jury.

(2) Unless pursuant to court order, it is unlawful for any person knowingly to publish, broadcast, disclose, divulge, or communicate to any other person, or knowingly to cause or permit to be published, broadcast, disclosed, divulged, or communicated to any other person outside the statewide grand jury room, any of the proceedings or identity of persons referred to or being investigated by the statewide grand jury. Any person who violates the provisions of this sub-section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, and s. 775.084, Florida Statutes.

(Renumber subsequent section.)

Senator Gordon moved that the rules be waived and time of adjournment be extended until completion of CS for HB 387. The motion was adopted. The vote was:

Yeas—27

Barron	Deratany	Gersten	Grant
Childers, W. D.	Fox	Girardeau	Grizzle
Crawford	Frank	Gordon	Hair

Hill	Langley	Peterson	Thurman
Jenne	Margolis	Plummer	Vogt
Jennings	Meek	Scott	Weinstein
Kiser	Myers	Stuart	

Nays—10

Mr. President	Childers, D.	Mann	Thomas
Beard	Dunn	McPherson	
Carlucci	Malchon	Neal	

The question recurred on Amendment 1C which was adopted. The vote was:

Yeas—20

Barron	Grant	Mann	Plummer
Deratany	Grizzle	Margolis	Scott
Frank	Hill	Meek	Thomas
Gersten	Jennings	Myers	Vogt
Gordon	Johnson	Peterson	Weinstein

Nays—14

Mr. President	Dunn	Jenne	Stuart
Beard	Fox	Kiser	Thurman
Childers, D.	Girardeau	Malchon	
Crawford	Hair	Neal	

Vote after roll call:

Yea—Langley

Nay—Carlucci

Senator Crawford moved that the rules be waived and further consideration of CS for HB 387 be deferred. The motion failed.

Amendment 1 as amended was adopted.

Senator Crawford moved the following amendment which was adopted:

**Amendment 2**—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to criminal investigations and prosecutions; amending ss. 16.01, 27.14, 27.36, 27.37, 905.33, 905.34, 905.36, 110.205, F.S.; creating s. 16.56, F.S.; specifying prosecutorial jurisdiction of the Attorney General; creating an Office of Statewide Prosecution in the Department of Legal Affairs; providing for appointment of a statewide prosecutor in charge of such office; specifying powers and duties of such office; providing for appointment of a state attorney to discharge the duties of the statewide prosecutor in specified circumstances; specifying membership of the Council on Organized Crime; providing that the statewide prosecutor is the legal adviser of the statewide grand jury; specifying jurisdiction of the statewide grand jury; specifying duties of the legal adviser of the statewide grand jury; specifying exemptions from career service; providing a contingent effective date.

On motion by Senator Crawford, by two-thirds vote CS for HB 387 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Kirkpatrick	Peterson
Barron	Gersten	Kiser	Plummer
Beard	Girardeau	Langley	Scott
Castor	Gordon	Malchon	Stuart
Childers, D.	Grant	Mann	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Hair	McPherson	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jennings	Myers	
Fox	Johnson	Neal	

Nays—1

Carlucci

Vote after roll call:

Yea—Jenne

CS for CS for SB 241 was laid on the table.

On motion by Senator Malchon, the rules were waived and CS for HB 639 was ordered immediately certified to the House.

On motion by Senator Crawford, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider SB 252 this day.

On motion by Senator Jenne, the rules were waived and by two-thirds vote CS for CS for CS for SB 1174 was added to the special order calendar for Thursday, May 23.

On motion by Senator Jenne, by two-thirds vote all bills not reached on the special order calendar this day were placed at the end of the special order calendar for May 23.

#### ENROLLING REPORTS

Senate Bills 141, 150, 182, 356, 531, CS for SB 132, and CS for SB 507 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 17, 1985.

*Joe Brown, Secretary*

SM 998 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 17, 1985.

*Joe Brown, Secretary*

SB 308 and CS for SB 110 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 21, 1985.

*Joe Brown, Secretary*

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 16 was corrected and approved.

#### CO-INTRODUCERS

Senators Girardeau and Kirkpatrick—SB 948

#### RECESS

On motion by Senator Jenne, the Senate recessed at 5:10 p.m. to reconvene at 9:00 a.m., Thursday, May 23.

#### SENATE PAGES

May 20-24

Matthew Brinkley, Tallahassee; Charlie Brown, Jr., St. Augustine; Jonathan Mitchell Castellanos, Fort Myers; Kelly Sue Cross, Odessa; John H. Dorland, Coral Springs; Mike Hale, Jr., Tallahassee; Cheryl Harrington, Hollywood; Daniel Nathaniel Hope, Jr., Miami; Kristi Johnson, Tallahassee; Robin Margulies, Hollywood; Katie Maynard, Tallahassee; Brian Christopher Moye, Fort Lauderdale; Leslie Ann Narkiewicz, New Port Richey; Edwin F. Norwood, III, Tallahassee; Chantal R. Payne, Jacksonville; Walter Spencer, Tallahassee; Mark O. Spiessl, Lakeland; John E. Steen, Tallahassee; Mikey Widoff, Fort Lauderdale; Robert Trae Zipperer, Kissimmee